

# **VENEZUELA 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

While Venezuela is legally a multiparty, constitutional republic, the regime of Nicolas Maduro claims control over all public institutions. In November 2021, the Maduro regime organized regional and municipal elections largely perceived as skewed in their favor. Election observers and media reported arbitrary arrests, criminalization of opposition parties' activities, bans on candidates, and media censorship during the elections. The European Union was allowed to act as election observer for the first time in 15 years, but the Maduro regime asked its observers to leave the country before they could present their final report. In the final report, the European Union noted significant structural deficiencies to the electoral system and provided the regime with 23 recommendations to improve electoral conditions.

The Bolivarian National Guard – a branch of the military that reports to the Ministry of Defense and the Ministry of Interior, Justice, and Peace – is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the National Scientific, Criminal, and Investigative Corps, which conducts most criminal investigations, and the Bolivarian National Intelligence Service, which collects intelligence within the country and abroad and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police consist of municipal, state, and national forces. Mayors and governors oversee municipal and state police forces. The Bolivarian National Police report to the Ministry of Interior, Justice, and Peace. The national police largely focus on policing Caracas' Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The national armed forces patrol other areas of the country. Civilian authorities' control over the security forces continued to decline and was deeply politicized. Increasingly unpopular with citizens, the Maduro regime depended on civilian and military intelligence services, and to a lesser extent, proregime armed gangs known

as *colectivos*, to neutralize political opposition and subdue the population. There were reports that members of security forces committed numerous abuses. A September UN report detailed the systematic use of the Bolivarian National Intelligence Service and the Military Counterintelligence Directorate to intimidate and control the activities of political opponents.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by regime forces; forced disappearances by the regime; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; political prisoners or detainees; serious problems with the independence of the judiciary; unlawful interference with privacy; unlawful recruitment or use of child soldiers; serious restrictions on free expression and media, including violence or threats of violence, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, femicide, and other forms of such violence; substantial barriers to accessing sexual and reproductive health services; crimes involving violence or threats of violence targeting indigenous peoples such as the Yanomami; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; significant restrictions on workers' freedom of association; and the worst forms of child labor.

The Maduro regime took no effective action to meaningfully identify, investigate, prosecute, or punish officials who may have committed human rights abuses or engaged in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the Maduro regime committed arbitrary or unlawful killings. Although the regime did not release statistics on extrajudicial killings, nongovernmental organizations (NGOs) reported that national, state, and municipal police entities, as well as the armed forces and regime-supported colectivos, carried out hundreds of such killings during the year.

In September the UN Independent Fact-Finding Mission (FFM) on Venezuela noted, for the third consecutive year, concern regarding, “killings consistent with previously documented patterns of extrajudicial executions and other violations in the context of security operations in low-income, urban neighborhoods in various parts of the country.” The FFM report stated “real and perceived dissidents and opponents” of the Maduro regime increasingly included individuals and organizations that documented, reported, or attempted to address human rights or social and economic problems in the country. The FFM concluded that it had reasonable grounds to believe Maduro and other high-level members of the regime used security agencies such as the Directorate General of Military Counterintelligence (DGCIM) and Bolivarian National Intelligence Service (SEBIN) to suppress dissent through actions that included extrajudicial killings.

The Public Ministry is responsible for initiating judicial investigations of security force abuses. The Office for Protection of Human Rights in the Public Ministry is responsible for investigating cases involving crimes committed by public officials, particularly security officials. There was, however, no official information available on the number of public officials prosecuted, convicted, or sentenced to prison for involvement in extrajudicial killings, which, in the case of killings committed by police, were often classified as “resistance to authority.”

The regime did not publish data on arbitrary or unlawful killings committed during the year. In August Tarek William Saab, whom the regime styled as attorney general, reported that between 2017 and August, 1,527 security officers were accused of homicide; torture or inhuman, cruel, or degrading treatment; 762 were

imprisoned; and 279 were convicted for their crimes, but he made no reference to arbitrary killings. NGOs Venezuelan Education-Action Program on Human Rights (PROVEA) and Fundación Gumilla documented 485 extrajudicial killings in the context of security operations or protests in the first half of the year. State police were involved in the highest number of killings at 25 percent, followed by the National Bolivarian Police (PNB) at 20 percent, and then the National Scientific, Criminal, and Investigative Corps (CICPC) at 19 percent. Most of the victims (63 percent) were young men between 18 and 30 years old. The NGO Venezuelan Violence Observatory reported 104 deaths involving police or security forces from July to September, with PNB involved in 28 percent of the deaths.

On January 10, Venezuelan Communist Party member and local activist Jose Urbina was shot and killed inside his home in Puerto Paez, Apure. Local media suggested Urbina was killed by groups linked to the National Liberation Army (ELN), but other journalists and NGOs pointed to a November 13 video posted by Urbina as evidence the killer could be a member of regime armed forces. In the video, Urbina accused units commanded by Venezuelan National Guard (GNB) Lieutenant Ramon Sanchez of abducting more than 20 citizens from Puerto Paez to frame them for crimes they did not commit. Urbina alleged in the video that he was threatened by Sanchez and indicated him as the person responsible for any harm that may be done to him. No announcement was issued by regime attorney general Saab or other regime authorities regarding this case.

On March 20, during an altercation between members of the National Bolivarian Armed Forces (FANB) and members of the Yanomami Indigenous community in the Parima B area of the Alto Orinoco in Amazonas State, four Yanomami adults were killed and five were injured. According to local NGOs, the conflict began after FANB members refused to return an internet router that belonged to the Yanomami. The regime announced an investigation into the deaths, but Indigenous rights activists denounced several irregularities, including the lack of information available regarding the whereabouts of two key witnesses to the events.

On July 7, Juan Angel Pantoja Carreño, a detective from the CICPC police division, died, allegedly because of torture, in the DGCIM headquarters of Apure State. Pantoja Carreño was arrested on charges of extortion on July 5, and on July

6, he told peers from the CICPC that he was being tortured and feared for his life. Regime attorney general Saab announced that DGCIM agents Yarumy Rafael Figueroa and José Carlos Flores Pérez were responsible for the death of Pantoja Carreño and were charged with homicide, torture, and breach of the duty regarding custody of detainees. Saab also revealed that Pantoja Carreño's autopsy confirmed the cause of his death was suffocation by submersion in water. Families of the DGCIM agents charged for the death alleged the agents were set up by higher-level individuals to take the blame.

The NGO PROVEA reported that a September 8-11 police operation carried out at Los Valles del Tuy in Miranda State resulted in 23 extrajudicial killings. The operation was led by the National Anti-Extortion and Kidnapping Command, Miranda municipal police, GNB, PNB, and CICPC. Although the regime claimed that all the deceased were linked to criminal gangs and that they died during confrontations, relatives alleged police arbitrarily executed their family members.

Human rights defenders and environmental activists were killed during the year. On June 30, Virgilio Trujillo, a member of the Uwotujja Indigenous community, was shot and killed in Puerto Ayacucho, Amazonas State. Trujillo was coordinator of the Indigenous Territorial Guard, Ayose Huyunam, in the Autauna municipality, whose purpose was to defend Indigenous lands from criminal groups and illegal mining. The Working Group for Indigenous Issues (GTAI) from the University of the Andes blamed "agents of extractivism" for his death. According to GTAI, Trujillo's death was retaliation for his efforts to defend the Amazon from illegal mining. According to the Venezuelan-Colombian Project Observatory for the Defense of Life (ODEVIDA), Trujillo's death added to the 32 killings of Indigenous and environmental defenders in the past eight years.

There was some progress in the investigation surrounding the January 2021 incident where security forces killed at least 24 persons in a police operation in Caracas' La Vega parish. NGOs reported Bolivarian National Police Special Action Forces (FAES) officers were identified as potentially responsible for the death of four of the victims, although no convictions in the case. There was no progress in the investigation into the March 2021 case in which a family of five in El Ripial in Apure State were reportedly kidnapped and executed by FAES.

According to a June report released by the Office of the UN High Commissioner for Human Rights (OHCHR), PNB underwent a restructuring in 2021 that resulted in the dissolution of FAES, an entity involved in deaths in the context of security operations. Despite the OHCHR announcement, local NGOs pointed out the regime never issued an official declaration confirming the dissolution of FAES. In September, PROVEA reported FAES headquarters replaced the FAES acronym with the General Directorate Against Organized Crime (DGCO) and the Directorate of Criminal Investigations. PROVEA also noted former FAES director Jose Miguel Dominguez was listed as the DGCO director.

## **b. Disappearance**

The NGO Fundaredes documented 246 disappearances or kidnappings between January and June in the border states of Tachira, Falcon, Zulia, Bolivar, Apure, and Amazonas. According to Fundaredes' investigations in the border region, irregular armed groups and criminal bands were complicit with regime security agents in committing regular violations of human rights, including disappearances.

The September FFM report included 96 possible disappearances from 2014 to October 2022 in the Orinoco Mining Arc in the context of illegal mining. In November, FANB found human remains on three separate occasions in Bolivar State, which the NGO InSight Crime reported could be connected to disappearances in the region linked to illegal mining.

The Maduro regime continued to deny requests by the UN Working Group on Enforced or Involuntary Disappearances to visit the country to conduct investigations. In 2020, the Working Group reported 29 outstanding cases of enforced or involuntary disappearances.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

Although the constitution and law prohibit such practices, there were credible reports that Maduro-aligned security forces regularly tortured and abused detainees.

The Maduro regime-aligned Office of the Human Rights Ombudsman did not

publish statistics regarding allegations of torture by police during the year. Several NGOs detailed cases of widespread torture and “cruel, inhuman, and degrading treatment.” Human rights groups and the FFM reported the regime continued to influence the attorney general and public defenders to conduct investigations selectively and subjectively.

In September the FFM released a third report focused on crimes against humanity committed through structures and individuals in the regime’s intelligence services, specifically DGCIM and SEBIN, as part of a systematic plan to repress opposition to the regime. The report noted the violent acts were not committed arbitrarily but rather were part of a system orchestrated and executed by the Maduro regime to repress dissidents. The FFM documented that SEBIN played a fundamental role in the detention of opponents, including politicians, human rights defenders, and protesters. Most prisoners were taken to El Helicoide (SEBIN) and Boleita (DGCIM) torture detention facilities, but there were several detention centers around the country. The report detailed that torture was a systematic procedure in both El Helicoide and Boleita. The FFM documented 122 cases of victims subjected to torture, sexual violence, and other inhuman punishment by DGCIM agents beginning in 2014. At SEBIN, it documented 51 cases of torture or inhuman treatment. The FFM reported DGCIM and SEBIN recruited low-level officers who were young and poor, with low levels of education, and who often had alcohol or drug dependencies. The FFM noted the vulnerable state of these low-level officials made them easier to manipulate through a system of rewards or punishments.

In February two DGCIM agents were sentenced to 30 years’ imprisonment for the death of Captain Rafaela Acosta Arevalo, who died in DGCIM custody in 2019. Arevalo’s lawyers and human rights organizations criticized the sentencing of lower-level officials and demanded that others in the regime’s chain of command, including higher-level individuals in the Ministry of Defense, be investigated for Arevalo’s death. In its September report, the FFM concluded it had reasonable grounds to believe that four others, including Hannover Guerrero, director of the Special Directorate of Criminal Investigations, and Granko Arteaga, director of the Special Affairs Unit, should be investigated for Arevalo’s death along with persons in the chain of command above them.

The FFM also found that at times judges ordered pretrial detention in SEBIN or DGCIM facilities, despite the risk or commission of torture, even when detainees in court rooms alleged torture or displayed signs consistent with it. Foro Penal and the NGO Coalición por los Derechos Humanos y la Democracia maintained that hundreds of cases of torture were not reported to government institutions because victims feared reprisal. In a June report, Coalición por los Derechos Humanos y la Democracia stated that in 100 percent of the cases they studied, doctors issued false or inaccurate medical reports intended to cover up signs of torture. The report also found that in 98 percent of the cases studied, when victims of torture or their family members tried to report the abuse, the report was rejected, or the processing was delayed.

Media and NGOs reported beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military controlled by the Maduro regime. Cases of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were also reported. Regime-aligned individuals subjected detainees to asphyxiation, electric shock, broken bones, hanging by their limbs, and being forced to spend hours on their knees. Detainees were also subjected to cold temperatures, sensory deprivation, and sleep deprivation; remained handcuffed for extended periods of time; and received death threats to themselves and their relatives. Detainees reported regime-aligned security forces moved them from detention centers to houses and other clandestine locations where abuse took place. Cruel treatment frequently involved denying prisoners medical care and holding them for long periods in solitary confinement. The latter practice was most prevalent with political prisoners. NGOs detailed reports from detainees who were victims of sexual and gender-based violence by security units. The OHCHR received complaints of torture or cruel treatment related to 14 detainees from May 2021 to April 2022. The OHCHR stated the lack of investigations into complaints of torture and lack of protection against reprisals discouraged victims to come forward.

The Casla Institute for the Study of Latin America continued to denounce the construction of new places of torture used by the regime in collaboration with Cuban intelligence officers who actively participated in repression and trained the regime in methods of torture while sometimes performing torture themselves. The



Casla Institute reported new torture patterns employed by the regime-aligned military, including hitting victims with a metal bar, submerging naked victims in ice-cold wells, inserting objects in the nose and ears, using burn-causing agents, injecting hallucinogens, and putting a gun in the victim's mouth.

Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in regime custody. On August 23, Captain Armando Flores Piñango, a retired member of the military, died of cancer in regime custody following 88 days of hospitalization, during which he was reportedly neglected and without adequate medical care. As of April, Foro Penal reported more than 40 individuals detained on politically motivated grounds were in critical health and were being denied medical attention. The health reports detailed muscle problems, severe fractures, hernias, and high blood pressure. Family members of Javier Tarazona, a human rights defender arrested by the regime in July 2021, reported the conditions of his confinement and a lack of adequate medical treatment resulted in his developing colon irritation and psoriasis. Foro Penal also noted instances in which the regime used medical facilities as interrogation centers.

On January 6, army Lieutenant Colonel Igbert Jose Marin Chaparro, a political prisoner detained by DGCIM, ended a hunger strike he began on December 21, 2021, in protest of poor detention conditions and torture received while detained. Marin Chaparro issued a public letter asking various international institutions to investigate the use of torture mechanisms used on him and other prisoners, such as the "House of Dreams," punishment cells in the basement of DGCIM's headquarters. Marin Chaparro also reported he was tortured with bags put over his head, tear gas, and repeated beatings resulting in broken ribs.

Impunity for security forces was a significant problem. Despite continued reports of police abuse and involvement in crime, particularly in the activities of illegally armed groups, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force, the Maduro regime took no effective action to investigate individuals who committed human rights abuses. Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of security forces. NGOs noted that many victims did not report violent crimes to police or the regime due to fear of

retribution or lack of confidence in police.

### **Prison and Detention Center Conditions**

Most prison conditions were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions and medical care, systemic violence, and poor infrastructure.

**Abusive Physical Conditions:** According to the NGO Venezuelan Observatory for Prisons (OVP), as of August, the designed capacity of the country's 500 prisons was approximately 20,440, but the estimated inmate population was 32,300. Of the inmate population, 29,773 were men and 2,523 were women. In pretrial detention facilities such as police station jails, detainees suffered from overcrowding, malnutrition, mistreatment, and extortion. In June the NGO Una Ventana a la Libertad (A Window to Freedom-UVL) reported there were 16,778 detainees in 335 pretrial facilities, which had a designed capacity of 10,718.

Generally unsanitary conditions placed prisoners at increased risk of contracting respiratory diseases such as COVID-19 and tuberculosis. Lack of water and cleaning supplies, inadequate access to recreation and sunlight, and insufficient food also increased the risk of respiratory diseases. An estimated 60 percent of detainees showed symptoms of severe malnutrition, leading this to be one of the main causes of deaths in prisons and jails. According to OVP, only 13 percent of prisoners ate three times a day, 38 percent ate twice a day, 40 percent received food once a day, and 9 percent never received food from prison administrators and had to rely on family.

OVP reported that in 98 percent of detention facilities, prisoners depended on family to supply them with food, water, and medicine. There was no sanitary control in food supply, nor adequate spaces to prepare and consume food. Media reported prison guards regularly stole food that families purchased for inmates and extorted families attempting to bring food into prisons. The NGO Solidarity Action found prison rules resulted in the isolation of those with HIV or AIDS in "inadequate spaces." OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners. Inmates often received the same pills regardless of their symptoms.

Male and female inmates were held together in most prisons. The law stipulates women in mixed prisons must be held in annexes or separate women's blocks; however, OVP reported that male and female prisoners intermingled. Maduro regime security forces and law enforcement authorities often held minors together with adults, although separate facilities existed. Because institutions were filled beyond capacity, hundreds of children accused of infractions were confined in juvenile detention centers, where they were reportedly crowded into small, unsanitary cells.

There were no policies that addressed woman-specific prison needs. According to OVP, there was one women's prison and 16 women's annexes. As of March, the women's prison, designed to hold 350, was overcrowded with 674 women. Pregnant or lactating women lacked proper facilities, medical assistance, prenatal supplements, and basic hygiene products. Women were also victims of sexual violence, abuse, and torture, and they were frequently coerced into sexual acts in exchange for food or water. NGOs reported guards knew and tolerated these abuses and sometimes were also accomplices. Prisoners took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent.

The PNB and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The Maduro regime failed to provide adequate prison security. OVP estimated a staffing gap of 90 percent for prison security personnel, with one guard for every 100 inmates instead of one for every 10, as recommended by international standards. Armed gangs, known as *pranes*, exercised de facto control within 46 percent of prisons. Pranes were involved in weapons and drug smuggling and often extorted funds from other inmates. Pranes also operated illegal businesses and criminal networks outside of prisons.

Between January and October, OVP recorded 86 deaths in prisons and pretrial detention centers, of which 59 percent resulted from causes associated with health conditions, including tuberculosis and malnutrition, and the rest due to violence and unsafe prison conditions. OVP reported that due to inadequate nutrition and lack of potable water, stomach illnesses were common among inmates. There were no adequate restroom facilities. None of the centers had proper infrastructure for persons with disabilities. On May 31, a riot at the Orient Penitentiary Center

known as La Pica in Monagas State, one of the most violent, prison-controlled prisons in the country, resulted in two prisoners killed and six inmates injured.

**Administration:** The Maduro regime-aligned Ministry of Penitentiary Services did not respond to requests from OVP, UVL, other human rights organizations, inmates, or families regarding credible allegations of mistreatment or investigations of the harsh conditions that led to hunger strikes, violent uprisings, and massacres.

Prisoners and detainees generally had access to visitors, including some with overnight privileges, but some restrictions remained due to COVID-19. In some cases, prison officials harassed or abused visitors. For political prisoners, prison officials imposed significant restrictions on visits by family and legal representation. When allowed access, visitors were at times subjected to strip searches.

**Independent Monitoring:** Human rights observers experienced restrictions in gaining access to prisons and detention centers. Since 2012, the Ministry of Penitentiary Affairs prohibited NGOs from conducting prison visits. The Roman Catholic Church was also banned from conducting visits. In July, the OHCHR reported visiting 21 detention centers and interviewing 259 prisoners. On June 29, UNHCHR Michele Bachelet revealed her office was not allowed to visit SEBIN headquarters El Helicoide or DGCIM headquarters in Boleita, two of the most notorious places of detention in the country.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. NGOs such as Foro Penal, the Committee for the Families of Victims of February – March 1989, the Institute for Press and Society, Espacio Publico, and PROVEA noted at least 2,000 open cases of arbitrary detentions; however, the Maduro regime rarely granted detainees the right to challenge the lawfulness of their detentions in court, even though the right to do so is stipulated by law. The regime arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

## **Arrest Procedures and Treatment of Detainees**

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals and raided their homes without a warrant. The OHCHR found that in several cases the Maduro regime purported to issue warrants retroactively or forged the purported warrant's date of issuance. Foro Penal maintained detentions were often conducted without a warrant, which were provided retroactively by complicit prosecutors and judges. Detainees were presented without proper defense before a court days after being disappeared; public defenders were imposed in violation of detainees' right to choose their own lawyers.

The law mandates that detainees be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. The law also requires that detainees be informed promptly of the charges against them. The regime routinely ignored these requirements.

Although the law provides for bail, release on bail is not afforded to persons charged with certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines the accused may flee or impede the investigation. The law allows detainees access to counsel and family members, but that requirement was often not met, particularly for political prisoners. The constitution also provides any detained individual the right to immediate communication with family members and lawyers who, in turn, have the right to know a detainee's whereabouts. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, whichever is shorter, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. The regime routinely ignored these requirements.

**Arbitrary Arrest:** Foro Penal reported 16 cases of politically motivated arbitrary detentions between January 1 and June 30. The UN Working Group on Arbitrary Detentions issued opinions finding 11 persons were arbitrarily detained, including at least eight persons that were in pretrial detention for more than three years.

On June 7, police from the Chacao municipality of Caracas (Polichacao) arrested four young persons who participated in a tribute marking the five-year anniversary of the death of Neomar Lander, a protester who died after being struck by a tear gas canister fired by police during the 2017 antigovernment demonstrations on Libertador Avenue in Chacao. Human rights NGOs and opposition politicians claimed Polichacao officers arbitrarily detained and forcibly disappeared Jholbert Godoy, Argelia Rovaina, Carlos Maneiro, and Luis Martínez, all activists of the political party Voluntad Popular. On June 10, they were released following widespread media coverage of their arrest.

On August 4, Emirlendris Benitez, a woman arrested in 2018 by DGCIM officers in connection with the alleged drone attack against Maduro, was convicted and sentenced to 30 years in prison. According to the UN Working Group on Arbitrary Detentions, Benitez was arrested without valid order, kept incommunicado, and held without trial for more than three years. The Working Group also reported Benitez was tortured while pregnant and miscarried.

**Pretrial Detention:** Prolonged pretrial detention remained a significant problem. According to OVP, there were 920 pretrial detention centers identified in 2020, including CICPC and SEBIN detention facilities and police station jails. Due to overcrowding, many police station offices were used as makeshift prison cells. Long delays in court proceedings and prison transfers created a parallel system that held prisoners in police station jails, in some cases for years, although these facilities were designed to hold individuals for only 48 hours, according to the criminal procedure organic code.

The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. The OHCHR reported that as of March, there were at least 114 political prisoners in pretrial detention who had spent more than three years detained with no trial.

Despite constitutional protections that provide for timely trials, judges reportedly scheduled initial hearings months after the events that led to the detention. Proceedings were often deferred or suspended when an officer of the court, such as the prosecutor, public defender, or judge, failed to attend. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system

reduced their access to the courts and contributed to trial delays.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the judiciary lacked independence and generally acted to favor the Maduro regime at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to the International Commission of Jurists, 85 percent of judges had provisional appointments and were subject to removal at will by the Supreme Court (TSJ) Judicial Committee. In 2021, 244 judges were removed by the TSJ Judicial Commission without explanation as to the reasons for their dismissal, according to an OHCHR report. The Inter-American Commission on Human Rights (IACHR) also reported the judiciary operated with limited transparency. Provisional and temporary judges have the same authorities as permanent judges, but due to the nature of their employment status, they allegedly were subjected to political pressure to make proregime determinations. The OHCHR reported lower courts received instructions from the TSJ on cases, especially those of a political nature, and observed that TSJ decisions related to the legitimate National Assembly were inconsistent and raised concerns regarding politicization. Low salaries for judges at all levels increased the risk of corruption.

There was a general lack of transparency and stability in the assignments of district attorneys to cases and a lack of technical criteria for assigning district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a 90 percent impunity rate for common crimes and a higher percentage of impunity for cases of alleged human rights abuses.

NGOs reported the lack of independence of the judiciary impeded the normal functioning of investigations and judicial processes and highlighted the fragility of norms and procedures.

Amnesty International reported regime-aligned individuals often interfered in cases of politically motivated arbitrary detentions, which were prosecuted by ordinary courts. A common practice among courts was to charge persons targeted by the regime with conspiracy or treason. Special courts with jurisdiction over terrorism frequently silenced dissidents.

In January a reform to the Organic Law of the Supreme Court of Justice was approved that reduced the number of magistrates from 32 to 20. Some of the remaining magistrates were re-elected, however, violating the constitutional limit of 12-year terms. There were concerns regarding the political affiliations of most of the appointed magistrates due to regime ties. The IACHR expressed concerns regarding the judicial reform and urged the adoption of appropriate measures to assure the independence of the judiciary.

## **Trial Procedures**

The law provides for the right to a fair and public trial with oral proceedings for all individuals. The FFM and OHCHR reports issued during the year concluded the regime frequently violated the rights to a fair trial without undue delay and to have legal counsel. Lack of judicial independence allowed the regime to use the judiciary to arbitrarily prosecute opponents and led to rampant abuse of rights. The OHCHR reported delays at different stages of the criminal process in at least 74 cases. The September FFM report found the 2021 judicial system reforms were not fully implemented and failed to address the serious flaws in the justice system that undermine its independence and impartiality.

By law defendants are considered innocent until proven guilty. The law requires that detainees be informed promptly of the charges against them. These requirements were often ignored, according to human rights organizations. Indigent defendants' right to free counsel was often not respected due to attorney shortages. Free interpretation was often not available to defendants. The OHCHR documented cases of the Maduro regime preventing lawyers from meeting with defendants and denying them confidentiality or access to case files.

Trial delays caused by constant irregularities in the judicial system were common and one of the main reasons detainees remained incarcerated. Trials in absentia were permitted in certain circumstances, although opponents of the procedure claimed the constitution prohibits such trials. The law also states that, in the absence of the defense attorney, a trial may proceed with a public defender whom the court designates. The law gives judges the discretion to hold trials behind closed doors if a public trial could "disturb the normal development of the trial."



On August 4, the Special Court of First Instance in Matters of Terrorism sentenced 17 political prisoners accused of involvement in an alleged 2018 drone attack against Maduro to prison terms ranging from five to 30 years. Twelve of the accused were charged with treason and intentional homicide and received 30-year sentences. Among those sentenced were 2015 National Assembly deputy Juan Requesens and Emirlendris Benitez, two cases characterized as arbitrary detentions by the United Nations. The sentencing came four years after the initial arrests of the accused and amid multiple delays and irregularities during their trials.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In September 2021, the organic code of military justice was reformed to prohibit civilians from being tried in the military justice system, but in December 2021, the TSJ issued a decision that left open the possibility of civilians to be tried in military courts if the executive branch considered it appropriate.

### **Political Prisoners and Detainees**

The Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions. As of November 28, Foro Penal reported 277 political prisoners in regime custody.

Foro Penal data reported between January 2014 and November 2022 showed that 15,777 persons were arrested for political reasons and 875 civilians were unconstitutionally prosecuted before a military criminal jurisdiction. Foro Penal recorded more than 9,400 persons remained subject to arbitrary criminal proceedings for politically motivated precautionary measures. The regime routinely held political prisoners in SEBIN installations, the Ramo Verde military prison, or in DGCIM headquarters in Boleita, Caracas.

According to Foro Penal, the state security forces that detained the most political prisoners were the DGCIM, municipal police, GNB, and CICPC.

As of November, political leader and journalist Roland Carreño, arrested in 2020, remained arbitrarily detained on grounds of conspiracy, weapons smuggling, and terrorism financing, despite facing serious health problems. Due to procedural delays, Carreño's trial did not begin until May, but as of November it was not

concluded.

On March 18, the FFM presented an update expressing concern regarding the lack of medical care for political prisoners and other detainees.

Conditional releases were a common practice for the regime, particularly for political prisoners. On April 25, union leader Eudis Girot, who was arrested in 2020 and sentenced to three years for instigation, was released subject to reporting to court monthly and not leaving the country.

### **Transnational Repression**

**Misuse of International Law Enforcement Tools:** There were credible reports the Maduro regime attempted to misuse international law enforcement tools, including Interpol Red Notices, for politically motivated purposes as a reprisal against specific individuals located outside the country. On August 4, regime attorney general Saab purportedly issued an arrest warrant for Miami-based journalist Carla Angola, for statements she made suggesting the United States should coordinate a drone attack against Maduro. Also on August 4, the First Tribunal of First Instance ratified an arrest warrant and extradition notice against exiled opposition leader Julio Borges for an alleged connection to the 2018 alleged drone attack against Maduro.

On September 22, following the transfer of the majority of shares in the ownership of fertilizer company Monomeros from Colombia back to the regime, the regime stated it filed for Interpol red notices against 23 opposition-linked managers who had been at the helm of the company since the interim government took it over in 2019. The regime accused the 23 of corruption and malfeasance.

### **Civil Judicial Procedures and Remedies**

While there are separate civil courts that permit citizens to file lawsuits seeking damages, there are no procedures for individuals or organizations to seek civil remedies for human rights abuses.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home,**

## **or Correspondence**

The constitution provides for the inviolability of the home and personal privacy, but the Maduro regime generally failed to respect these prohibitions. In many cases, particularly regarding the political opposition, regime-aligned individuals interfered in personal communications. NGOs reported their offices were subject to arbitrary raids and having their websites or social media profiles blocked.

State surveillance remained rampant, including through the assistance of telecom regulator the National Telecommunications Commission (CONATEL) and state-run telecommunications provider CANTV. Technical attacks against media outlets appeared to be linked to the armed forces.

The People's Republic of China, through its telecommunications corporation Zhongxing Telecommunication Equipment Corporation, continued to provide the Maduro regime with technology to monitor citizens' social, political, and economic behavior through an identity card called *carnet de la patria* (homeland card). To force citizens to comply, the regime made it obligatory to present the card to obtain social services, including pensions, medicine, food baskets, subsidized fuel, and in some instances COVID vaccinations. Citizens essentially had no choice other than to obtain and use the card despite the known tracking methods. Chinese companies such as Huawei and the China National Electronics Import-Export Company also supported, financially and technologically, these surveillance methods.

On June 22, Spanish telecommunication company Telefonica revealed the Maduro regime increased requests to listen in on telephone conversations of citizens. According to Telefonica, the regime increased its requests from 234,932 in 2017 to 861,004 in 2021. Telefonica is required by law to comply with requests made by the regime. The Public Ministry, CICPC, and SEBIN are among the institutions able to request a telephone interception.

## **g. Conflict-related Abuses**

On January 16, Domingo Hernandez Larez, whom the regime styled as the Strategic Operations Commander of FANB, announced a military deployment to

the Venezuela-Colombia border in Apure State to control violence that broke out between the Revolutionary Armed Forces of Colombia (FARC-EP) and the ELN. NGOs reported the violence at the border led to the displacement of Indigenous communities to Colombia and Bolivar State. Human Rights Watch reported at least 500 Venezuelans, including Indigenous persons, fled to Vichada, a Colombian town near the border. According to Human Rights Watch, they fled because of the violent clashes but also because of threats of forced recruitment. According to displaced Venezuelans, armed groups on the Venezuelan side threatened to force adolescents and young persons from their homes if they did not join the groups.

**Child Soldiers:** The U.S. government has determined that the Maduro regime created a permissive environment for nonstate armed groups that had or used child soldiers from March 2021 to March 2022. Please see the Department of State's *Annual Trafficking in Persons Report* at <http://www.state.gov/trafficking-in-persons-report/>.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for the Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, but the combination of laws and regulations governing libel, slander, and media content as well as legal harassment, physical intimidation of individuals and media, and regime influence on the judiciary resulted in significant repression of these freedoms. National and international groups, such as the IACHR, Human Rights Watch, Freedom House, Committee to Protect Journalists, Reporters without Borders, and Inter American Press Association (IAPA) condemned Maduro regime efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

**Freedom of Expression:** The law makes conviction of insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. The 2017 Constitutional Law against Hate, for Political Coexistence and Tolerance stipulates prison sentences of up to 20 years

for persons convicted of violations. While the stated purpose of the law was to “promote peace and tolerance,” NGOs observed the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists. Conviction of exposing another person to public contempt or hatred is punishable by prison sentences of one to three years and fines. In April, the OHCHR documented at least 34 cases of abuse of freedom of expression, including harassment, censorship, and seizure of equipment from media outlets, one radio station closure, the suspension of three radio programs critical of the regime, and 41 blocks to webpages that included independent media outlets, NGOs, and sites related to internet security, by regime and private internet providers.

The NGO Espacio Publico reported 228 instances of violations of freedom of expression in 128 cases between January and August, including censorship, intimidation, verbal and judicial harassment, threats, aggression, one death, and 14 arrests.

The NGO Un Mundo Sin Mordaza documented 198 claims of freedom of expression abuses from January to July. They identified seven cases of forced closure of traditional media outlets; seven cases of censorship via blocking of media; eight cases of arrests or detention of civilians and journalists; and 387 cases of harassment, aggression, and intimidation towards journalists and civilians during protests.

On April 18, Olga Mata and Florencio Gil were arrested for “inciting hate” after they published a video on TikTok that criticized high-level regime-aligned individuals such as Diosdado Cabello and called Maduro’s wife, Cilia Flores, a “widow.” Regime attorney general Saab, also mentioned in the TikTok video, announced the arrest, accusing both of “instigating the assassination of public figures.” The pair were released following a public outcry but were required to report to court monthly. Mata was also made to record an apology video.

Since 2017, the so-called law against hate was used to punish “hate crimes,” including messages on social media. The law was often used to arrest political dissidents and continue intimidation limiting their rights even when released by banning international travel and requiring regular court appearances.

**Violence and Harassment:** Senior national and state leaders of the Maduro regime continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. The NGO Redes Ayuda reported a total of 63 acts of harassment, threats, and aggressions against journalists and press during the first half of the year.

Espacio Publico registered five arbitrary detentions for online publications through the end of August. Most of those arrested were journalists, members of media, or human rights NGOs and activists. The Law Against Hate continued to be cited by the regime in accusations.

On January 19, during his television program *Con el Mazo Dando*, Diosdado Cabello, regime-aligned first vice president of the United Socialist Party of Venezuela (PSUV), displayed “wanted” posters of several journalists and opposition leaders, including Luis Carlos Diaz, Naky Soto, Carla Angola, and Rafael Poleo and accused them of being “thieves.”

In July the Instituto Prensa y Sociedad Venezuela (IPYS) reported on the continued threats and harassment of journalists of the investigative journalism website *Armando.Info*, specifically Roberto Deniz. IPYS pointed to comments from Pedro Carvajalino, host of the *Zurda Konducta* program, broadcast by the regime-controlled Venezolana de Television (VTV), in which he called *Armando.Info* an “information extortion agency,” and to the release of an article by a platform owned by Carvajalino titled “Armando Info: the Assassins of Journalism.” According to IPYS, Deniz, his family, and his outlet Armando.Info, had been targets of attacks since they released a report related to businessman Alex Saab, an ally of Maduro.

On April 19, IAPA reported regime security forces continued a steady pace of raids, threats, and repression of journalists who investigated cases of corruption by high-ranking regime individuals. An IAPA report detailed instances of physical violence, threats, and attacks committed by police and military authorities against journalists who covered the regional and local elections in November 2021. IAPA affirmed access to digital media, multimedia platforms, streaming, and social networks was blocked by regime-controlled and private telecommunications

companies, with the intention of muzzling freedom of expression.

Maduro and the regime-aligned PSUV used the nearly 600 regime-owned or -controlled media outlets to insult and intimidate the political opposition. PSUV's First Vice President Diosdado Cabello continued to use his weekly television program to denounce individual journalists and media outlets.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** The law provides that inaccurate reporting deemed to disturb the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only “true” information is undefined and open to politically motivated interpretation.

The law declares telecommunications a “public interest service,” thereby giving the government authority to regulate the content and structure of radio, television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; CONATEL oversees the law's application.

The Maduro regime continued legal actions against high-profile independent media outlets and radio stations. On February 7, a court awarded the headquarters of *El Nacional* newspaper to Diosdado Cabello after Cabello filed a lawsuit against the newspaper for “moral damage” in 2015 following the republication of Spanish outlet *ABC España*'s headline on the announcement by a foreign law enforcement agency that Diosdado Cabello was wanted for narcotrafficking. As a result, *El Nacional* ended a recent effort to publish a print edition. On February 10, Cabello threatened he would go after news outlet *La Patilla* next. *La Patilla* also previously reported on Cabello's alleged links to drug trafficking.

Maduro regime-owned and -influenced media provided almost continuous proregime programming. In addition, private and public radio and television stations were required to transmit mandatory nationwide broadcasts throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of regime activities. Media reported the GNB regularly barred

journalists from covering 2015 National Assembly debates and activities.

Several times Nicolas Maduro instructed the purported national assembly, installed following elections in 2020 that were widely condemned as fraudulent, to include “very strict regulations on social networks” in reforms made to the Law of Social Responsibility in Radio, Television, and Electronic Media (Resorte Law).

The OHCHR documented that during the November 2021 regional elections, there were restrictions to media freedom that affected at least 15 journalists and members of media, including five women.

NGOs noted the Maduro regime’s preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Members of the independent media and human rights activists who had limited or ceased their activities said they regularly engaged in self-censorship due to fear of regime reprisals. This resulted in many journalists posting articles to their personal blogs and websites instead of publishing them in traditional media.

According to a study by the NGO Un Mundo sin Mordaza, 93 percent of persons surveyed in the country considered that freedom of expression could not be fully exercised, and 26 percent responded they never believed they were safe when expressing their opinion or disseminating information. In the results of its Self-Censorship Survey in which 700 persons participated, the NGO concluded there was a clear lack of trust in the regime by citizens. In the survey, 565 persons indicated there was no possibility of expressing themselves in peaceful demonstrations due to fear of being attacked, harassed, or even killed by security forces. According to the study, 29 percent considered they exercised some level of self-censorship and 30 percent responded they almost always self-censored on social networks.

The regime also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of its broadcast frequencies to limit the use of radio space by media not aligned with the regime. According to NGO reports, approximately 80 percent of radio stations throughout the country were in “illegal”



status due to CONATEL not having renewed licenses for most radio stations since 2007, a tool used to intimidate and censor.

As of November, CONATEL had closed more than 100 radio stations in 14 states, with 56 closures in October alone. Most stations were closed for allegedly not having permits to be on the air or for not having the authorization, a concession document for use of the radio spectrum, or both. NGOs reported CONATEL often did not grant the permits despite longstanding requests, leaving radio stations in a technically “illegal” state of operation and therefore vulnerable to being shut down. Some radio stations also had equipment confiscated by CONATEL.

The Maduro regime controlled a large portion of the country’s businesses and paid for advertising only with regime-owned or regime-friendly media.

According to Espacio Publico and the IPYS, approximately five million persons lived in “media deserts” or “silenced zones,” areas that had no access to print, television, radio, or digital media due to censorship, forced closures of television and radio stations, and reprisals against journalists. Access to information was most heavily restricted in border territories and Indigenous communities, and these areas also faced greater internet restrictions.

**Libel/Slander Laws:** Libel and slander are criminal offenses, punishable by one to three years’ imprisonment and a significant fine. Regime-aligned individuals engaged in reprisals against media organizations and individuals who publicly expressed criticism of Maduro or regime policy.

On May 16, Carabobo State Governor Rafael Lacava sued Father Alfredo Infante from the NGO Lupa Por la Vida and Marino Alvarado, coordinator of PROVEA, for defamation after the publication of PROVEA’s 2021 human rights report. Lacava took issue with the claim in the report that Carabobo had the highest rate of extrajudicial executions committed by police and security forces. Alvarado told media chain of command members, including Lacava, should be investigated for their role in extrajudicial killings, which often disproportionately affected young men from poor neighborhoods. PROVEA and other NGOs called the lawsuit part of a state policy to criminalize NGOs. On June 23, both Alvarado and Infante retracted their claims after reaching an agreement with Lacava.

**National Security:** The law allows the government to suspend or revoke licenses when it determines such actions necessary in the interests of public order or security. The Maduro regime exercised control over the press through a public entity, the Strategic Center for Security and Protection of the Homeland, which is similar to the governmental entity Center for National Situational Studies. The two entities have similar mandates and are responsible for “compiling, processing, analyzing, and classifying” both regime-released and other public information with the objective of “protecting the interests and objectives of the state.”

The regime continuously used the law against organized crime and financing of terrorism to implicate and accuse political opponents of committing crimes.

**Nongovernmental Impact:** Widespread violence in the country, often encouraged or left undeterred by the Maduro regime, made it difficult to determine whether attacks on journalists resulted from common criminal activity or whether criminals or others targeted media members.

## **Internet Freedom**

The Maduro regime restricted or disrupted access to the internet and censored online content. The regime exercised broad control over the internet through CONATEL. The China National Electronics Import-Export Company continued to provide the regime with cyber support, technical experts, and a suite of software and hardware that was a commercial version of China’s internet regulator Great Firewall to maintain online censorship, control information, and prevent the internal dissemination of content deemed undesirable by political leadership.

Freedom House noted in its 2022 *Freedom on the Net* survey that the regime blocked content at critical times, including during the 2021 regional elections, and carried out disinformation campaigns against journalists. The report also found detentions, imprisonment, and legal and extralegal restrictions on certain forms of online speech continued to result in widespread self-censorship by journalists, media outlets, and ordinary citizens fearful of reprisal for their online activity.

The law puts the burden of filtering prohibited electronic messages on service providers; it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions service providers with fines for

distributing prohibited messages. The regime via CONATEL implemented censorship through all major internet service providers and used both direct means and administrative sanctions to cause HTTP (Hypertext Transfer Protocol), DNS (Domain Name System) blocks, or SNI (Server Name Indication) filtering by CANTV. Freedom House's 2022 report noted private internet service providers began blocking news websites that had previously been blocked only by the state-owned service provider. The country's online independent newspapers were frequently blocked by regime-owned internet service provider CANTV. The regime also used indirect means through cyberattacks or false reports on social networks that led to the closure of the accounts of the related users.

NGOs identified threats and intimidation to social networks users for publishing content critical of the regime on Facebook, Twitter, and WhatsApp. The online media monitor ProBox noted the regime used bots, trolls, and cyborgs (a hybrid account in which a human periodically takes over a bot account) to flood social media platforms such as Twitter with proregime information and control online communications. ProBox estimated that more than 60 percent of proregime messages on Twitter appeared to originate from bots. In March, ProBox denounced the purported national assembly for discussing the development of a project to regulate social media and digital content. ProBox also reported on the inauguration of the International University of Communications, which regime media described as a "communication training platform," but ProBox warned could be a means to train others in disinformation tactics.

According to VE sin Filtro (Venezuela without Filters), an internet monitoring project sponsored by internet freedom watchdog Venezuela Inteligente, the regime practice of blocking websites combined with precarious internet connections and interruptions in electricity service made normal browsing exceedingly difficult and contributed to the online media censorship that had grown exponentially since 2014.

Regime-controlled intelligence agencies, which lacked independent oversight, conducted surveillance for political purposes. Courts relied on evidence obtained from anonymous *patriotas cooperantes* (cooperating patriots) to harass perceived opponents of the Maduro regime, and senior regime-aligned individuals used personal information gathered by patriotas cooperantes to intimidate regime critics

and human rights defenders. Users were arrested and criminally accused of actions such as tweeting information publicly available on webpages.

In November 2021, during the regional elections, VE sin Filtro reported more than 35 key web domains relevant to the elections were blocked, which prevented users from accessing information about the elections. In January, VE Sin Filtro documented a significant increase in internet blockings targeting media outlets *Efecto Cocuyo*, *Cronica Uno*, and EVTV Miami. Venezuela sin Filtro also registered the blocking of the NGO Justicia, Encuentro y Perdon's webpage.

State-controlled CANTV was the leading internet provider in the country with 70 percent of subscribers. CANTV implemented a blocking system that required the use of a VPN (virtual private network) to evade censorship. Other internet providers Inter, Movistar, Digitel, Supercable, and NetUno implemented a block that could be circumvented by changing the DNS (domain name system) of the devices.

### **Restrictions on Academic Freedom and Cultural Events**

There were no substantiated reports of Maduro regime restrictions on cultural events, but the regime imposed restrictions on academic freedom. Aula Abierta, a local human rights NGO focused on academic freedom, reported the regime retaliated against opposition-oriented autonomous universities by denying them sufficient funding and failing to adjust budgetary allocations to inflation, affecting the quality of higher education, scientific research, infrastructure investment, teachers' salaries, and student benefits as well as contributing to teachers leaving their positions and students abandoning their studies. During the year, several of the country's most important universities operated with deficits averaging 97 percent.

According to Aula Abierta, 73 percent of university teacher association group boards had expired, but registration obstacles imposed by proregime actors at the CNE prevented them from electing new board members. Universities, unions, and other associations that hold elections faced obstacles that impeded the renewal of their expired directives.

According to a January report from the ULA-Human Rights Observatory, Central

University of Venezuela (UCV) reported only 1.13 percent of UCV's requested budget for the year received approval. According to the report, the regime also continued to owe part of the 2020 and 2021 budget. The Maduro regime stated the underfunding was due to a lack of resources, but observers such as Aula Abierta claimed it was intentional and an attempt to exercise control over or limit the scope of universities, which are autonomous and usually encourage dissent.

A professor at the University of the Andes (ULA) reported the libraries at this university had not received funding for resources, books, and infrastructure maintenance since 2018. According to Aula Abierta, 87.4 percent of 143 university libraries were inoperable largely due to lack of funding, meaning students did not have access to their in-person or online services. According to ULA, the lack of adequate budgetary allotments for universities contributed to many professors and students leaving the universities. ULA reported a professor's salary decreased by 99 percent in the last 20 years, which led many to migrate or seek other employment. This drop in salaries affected elderly or retired professors the most. ULA estimated the number of university professors decreased by 50 percent. The dropout rate of students at UCV was estimated to be 40 percent.

The Maduro regime continued to increase its control over local universities. In 2020, the regime announced a plan to invest resources in recovering university spaces, but the budget for the plan was administered by a regime-controlled commission. ULA reported the infrastructure of most universities was severely deteriorated. Universities continued to denounce the regime's imposition of a "protectorate" at UCV, usurping the responsibilities of the university rector and undermining its autonomy.

Following alumni elections at UCV on July 13, in which the PSUV faction lost in all 11 departments, a regime-linked Supreme Court magistrate, Caryslia Beatriz Rodríguez Rodríguez, suspended the results of the School of Education following the apparent victory of the opposition board, Humanitas Egresados.

The Maduro regime continued its practice of providing educational financial incentives for holders of the carnet de la patria. NGOs and university students reported the use of the card as a discriminatory policy that politicized the issuance of scholarships and restricted academic freedom.

## **b. Freedoms of Peaceful Assembly and Association**

The Maduro regime restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for the right of peaceful assembly, but the Maduro regime generally repressed or suspended it. A 2015 public decree regulates the right to assembly and grants the armed forces authority to control public order. Human rights groups continued to criticize the law as enabling the regime to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allows the Maduro regime to criminalize organizations and persons critical of it. Protests and marches require advance authorization from the regime and are forbidden within designated “security zones.”

The PNB blocked labor demonstrations several times, and some counterprotests organized by the regime took place. During July and August, hundreds of teachers, health workers, retirees, pensioners, and other public-sector workers carried out nationwide protests demanding the full payment of their vacation bonuses and requesting the repeal of the National Budget Office (ONAPRE) directive, which workers argued nullified unions’ contractual agreements and decreased workers’ benefits. The Venezuelan Observatory of Social Conflict registered 285 protests related to the ONAPRE directive between March and July, with 143 registered in July alone. In August, 515 protests related broadly to labor problems occurred, a 45 percent increase from the number of labor protests in July.

The OHCHR documented three persons detained while protesting in public. In February, William Echarry and Ramon Blanco, two members of the Venezuelan Movement for Revocation, were detained by agents of the Macuto Municipality Police, in La Guaira State. They were charged with incitement to hatred and conspiracy for hanging a banner that criticized the regime, based on the law against hate. On February 17, both men were released.

### **Freedom of Association**

The constitution provides for freedom of association and freedom from political

discrimination, but the Maduro regime did not respect these rights. Although professional and academic associations generally operated without interference, some associations complained the TSJ and the National Electoral Council (CNE), which is responsible for convoking all elections and establishing electoral dates and procedures, interfered with their attempts to hold internal elections.

The Maduro regime created parallel unions to divide votes in collective bargaining agreements. For example, when the Single Collective Agreement of the University Sector took place, it was held with the inclusion of the Federation of University Workers of Venezuela, which was proregime and had approximately 10,000 members, while the Federation of Associations of University Professors of Venezuela, which was critical of the government but had more than 40,000 members, was excluded from participating.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the Maduro regime did not respect these related rights.

**In-country Movement:** The Maduro regime restricted the movement of some opposition leaders, at times refusing to allow them to board some domestic flights.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Foreign Travel:** Obtaining a passport remained difficult during the year. For three weeks in June, the Identification, Migration, and Immigration Administration Service webpage was inoperative. The regime repeatedly seized passports from journalists, members of the opposition, and National Assembly deputies at ports of entry without explanation as they attempted to depart the country. The regime reportedly charged exorbitant extraofficial rates for citizens, in U.S. dollars, to

obtain passports or citizen services.

On August 24, the director of NGO Coalición para los Derechos Humanos, Alonso Media Roa, a prominent human rights advocate and defense lawyer for several high-profile military and nonmilitary political prisoners, was turned away at the Maiquetia International Airport in La Guaira and told by authorities he had an exit ban placed on him by the CICPC police division. Media Roa was told he was not allowed to leave the country and was ordered to present himself at the CICPC regarding an open investigation and was not allowed to leave the country.

Due to continued border closures through much of the year, citizens traveling into and out of the country often had no choice but to use informal border crossings that largely were controlled by illegal armed groups. Activists and NGOs reported that citizens utilizing the crossings faced significant risks, such as gender-based violence and human trafficking, including forced labor, sexual servitude, and the forced recruitment of children into armed conflict at the hands of criminal groups. Human traffickers used sea routes to transport victims to nearby countries, and migrant smugglers also sent refugees and migrants on dangerous sea journeys.

Individuals were often subjected to debt bondage or forced to pay a tax to illegal armed groups at the informal border crossing, increasing the vulnerability of migrants to labor exploitation, harassment, sexual violence, and human trafficking, including forced labor and sex trafficking. Many were vulnerable to recruitment, sometimes forced, into drug trafficking rings or illegal and other armed groups.

## **e. Protection of Refugees**

The Maduro regime did not cooperate with the Office of the UN High Commissioner for Human Rights and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and there is an established system for providing protection to refugees, although delays in the system allowed for abuse at the hands of private individuals and representatives of the state.



**Abuse of Migrants and Refugees:** The refugee status determination process continued to be managed by the National Refugee Commission (CONARE), with administrative obstacles resulting in lengthy delays for asylum seekers waiting to obtain legal documentation and status determinations. Government offices began to charge high fees for documents used in immigration and foreign affairs processes. Additionally, CONARE announced that those who had been recognized as refugees but had not begun the process of requesting an identification document from the Administrative Office of Immigration and Foreign Affairs before 2021 were required to first request a certification card to establish their refugee status. Frequent and inconsistent administrative changes made it exceedingly difficult for refugees to regularize their status and prevented full access to basic rights.

**Employment:** Refugees without legal residency permits had limited access to the formal labor market.

**Access to Basic Services:** Asylum seekers without legal residency permits had limited access to education and health systems. The lack of documentation created significant difficulties in achieving sufficient protection and long-term integration. CONARE issued a border migration control card for refugees, similar to the carnet de la patria.

## **f. Status and Treatment of Internally Displaced Persons**

The NGO Fundaredes reported clashes between military forces and nonstate armed groups in Apure caused hundreds of civilians to be displaced to neighboring states and municipalities. Within border states such as Bolivar and Amazonas, violence increased due to illegal mining and fighting among gangs for control of the mines. This especially impacted Indigenous communities who were forced to migrate to other regions due to the violence or the loss of their land to miners.

## **Section 3. Freedom to Participate in the Political Process**

The 1999 constitution provides citizens the ability to change their government through free and fair elections, but Maduro regime interference, electoral irregularities, unconstitutional appointments of electors, and harassment and manipulation of voters and candidates restricted the exercise of this right in the

2018 presidential and municipal elections, the 2020 legislative elections, and the 2021 regional elections for governor, mayor, and state and local officials. The regime continued to arbitrarily ban key opposition figures from participating, threatened them with spurious judicial charges, maintained hundreds of political prisoners, utilized judicial processes to steal the legal personages of political parties, and denied opposition political representatives equal access to media coverage and freedom of movement in the country.

## **Elections and Political Participation**

**Recent Elections:** Nicolas Maduro claimed a second term as president, which began on January 10, 2019, following flawed presidential elections in 2018 that were widely condemned by the political opposition and international observers as fraudulent and constitutionally invalid. On January 23, 2019, 2015 National Assembly president Juan Guaidó invoked Article 233 of the constitution, which calls on the National Assembly president to assume the role of interim president in the event of presidential vacancy.

In December 2020, the Maduro regime conducted fraudulent legislative elections that failed to meet any minimum standard of fairness. The regime purported to arrogate the TSJ's legislative powers and appointed members to the CNE; hijacked political parties through the theft of their legal name, assets, and ballot logos, including those from the left that challenged the regime's control of Chavez's political legacy; prohibited many political opponents of the regime from running for office and stripped them of their political rights; kidnapped, exiled, and tortured opposition politicians; suppressed Indigenous political representation; and arbitrarily increased the number of seats in the National Assembly from 167 to 277. Consequently, electoral and constitutional experts, most independent political parties, and civil society organizations rejected the process. Despite international nonrecognition of the electoral results, the new assembly was sworn in on January 5, 2021, and Jorge Rodriguez was elected president of the body.

In January the 2015 National Assembly agreed once again to a reform of the Statute for Transition. The agreement included maintaining the standing of interim President Guaidó and the 2015 National Assembly, which was to act through a Delegated Commission, until January 5, 2023. The mandate was approved with

some changes, including a commitment to streamline Interim President Guaidó's government. The 2015 National Assembly inaugurated its 2022 session and confirmed its new leadership board on January 5.

In September 2021, the CNE signed an agreement with the EU granting permission for an Electoral Observation Mission (EUEOM) for the November 2021 regional and local elections. Legal identities, including Acción Democrática, Primero Justicia, and Voluntad Popular, remained hijacked by the regime and unable to use their party symbols or register candidates. Instead, the names and symbols of the parties were used by the regime-controlled co-opted opposition.

Following the November 2021, elections, the EUEOM issued a preliminary report that listed “areas for improvement,” including the issue of nonaccredited citizen observers at polling centers, untimely opening and closing of polling centers, the presence of *puntos rojos* (PSUV checkpoints used to coerce voters near polling stations), unequal media coverage of candidates, arbitrary disqualifications of candidates, moves to deprive party leaders the use of their party's registration cards and names by reassigning them to rivals, and extensive use of state resources for campaign purposes. In its remarks, the EUEOM highlighted a deterioration of the rule of law, laws that reduce equality of electoral conditions and transparency, lack of judicial independence, and a law from 2002 that allows the Comptroller's Officer to bar candidates from running. In November 2021, Maduro called members of the EUEOM “spies” and accused them of looking to “stain” the regional elections in their preliminary report.

In November 2021, the Electoral Chamber of the TSJ retroactively disqualified MUD candidate and apparent winner of the Barinas governorship, Freddy Superlano. The TSJ held a rerun of the Barinas election on January 9. Following the TSJ's announcement, the regime disqualified two additional alternatives. Freddy Superlano's spouse, Aurora Silva, was suggested as a replacement candidate but was also arbitrarily barred from running. The MUD's second choice, Julio Cesar Reyes, a deputy in the 2015 National Assembly, was also not allowed to run. In December 2021, the Communist Party of Venezuela reported its candidate, Aldemaro Sanoja, was barred from office without cause. In the end, the MUD selected Sergio Garrido, who defeated the PSUV candidate on January 9.

On December 3, 2021, the EUEOM announced its delegation was required to leave the country on December 5, eight days prior to the originally agreed December 13 departure date. Media reported the early departure was due to the regime's refusal to extend the mission's visas. On February 22, the EUOEM presented its final report virtually, including 23 recommendations to improve electoral processes. The report highlighted the following concerns: the role exercised by the TSJ in the Barinas recall, the sustained attack against political parties through the seizure of party symbols and arbitrary selection of their purported leaders, the questionable role of the military in elections, the lack of balance in media coverage between PSUV and the opposition, and noncompliance with gender balance requirements in candidates' lists, and other concerns.

In December 2021, the Carter Center issued its preliminary report on the November 21 regional elections. The report noted the elections were carried out in a context of social and economic crisis, political repression, restrictive freedom of speech, and regime electoral advantages. The report pointed to the use of puntos rojos, the opening of electoral centers beyond the 6 p.m. closing time, and the killing of a person in line to vote in Zulia State, as well as other aggressions in that state on election day. The Carter Center also raised concern regarding the regime-controlled TSJ decision to repeat the Barinas governorship election.

In a highly controversial decision, on January 21, the CNE announced new requirements to initiate a presidential recall referendum, a procedure established in the constitution. Although a 2007 resolution passed by the CNE required at least 60 continuous days since the adoption of a recall referendum petition to announce a date for signature collection, the CNE declared January 26 as the only day for collecting signatures to petition initiation of the referendum. The new CNE conditions, including only 12 hours to collect the signatures, a short timeline for preparation, the opening of only 1,200 signature collection centers, and the need to amass at least 4.2 million signatures to activate the referendum, led to criticism by independent experts. On January 26, the signature collection process occurred with reports of irregularities and low turnout. The CNE initially announced it would conduct a signature audit on February 7-10, but on January 27, Tania D'Amelio, CNE rector, announced only 42,421 signatures had been collected and therefore the recall referendum would not take place. Proponents of the

referendum and members of the opposition condemned the entire process, citing its impossible barriers.

**Political Parties and Political Participation:** Opposition political parties and PSUV dissidents operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and very limited mainstream media access.

On June 4, regime-linked sympathizers interrupted an event in Zulia where Interim President Juan Guaidó was scheduled to promote the Unitary Platform's electoral strategy. Regime-linked colectivos harassed those participating in the political activity and generated chaos by throwing chairs. Guaidó was unable to carry out his event as planned.

On June 11, Guaidó was attacked in the rural municipality of San Carlos in opposition-controlled Cojedes State while he engaged in public outreach. According to Guaidó and his team, the aggression was initiated by a group of approximately 60 persons led by PSUV militants and colectivos who pushed, beat, and threatened him. Several members of Guaidó's team were also assaulted. The interim government's press team reported the attack was led by the former PSUV gubernatorial candidate for Cojedes, Nosliw Rodríguez, purported 2021 national assembly (I-AN) PSUV deputy Marcos Mendoza, PSUV councilman Orlando Martinez, former assistant to the regime's ambassador to Honduras Luis Casadiego, and I-AN PSUV deputy John Moreno. PSUV leader Iris Varela was also reportedly present.

On October 3, Guaidó published a video on Twitter showing a car allegedly driven by regime security forces following him and his team. Guaidó claimed he was constantly followed and watched by regime security forces such as FANB.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or members of minority groups in the political process, and they did participate.

The EU observed that despite passing the Norms on Gender Parity for Alternative Nominations for political parties during regional and municipal elections in July 2021, which require political parties to present a list of candidates with a 50-50

percent gender parity both in their principal candidates' nominations and their alternates, there continued to be a gap in political participation by gender. According to the election observation report issued by the EUOEM, political parties did not promote women's participation as political candidates.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but it was not implemented effectively. Several officials explicitly acknowledged corruption as a major problem. The regime frequently investigated, prosecuted, and detained political opponents on corruption charges to harass, intimidate, or imprison them. According to Transparency International, among the main reasons for the country's widespread corruption were impunity, systematic institutional weakening, and a lack of transparency in the management of government resources.

**Corruption:** According to regime attorney general Saab, during the year, 24 corruption networks in the oil industry were uncovered, and 178 persons were charged for corruption, with 63 persons convicted. Observers claimed regime statistics were unreliable. From January to August, 319 public prosecutors were allegedly charged and 63 convicted of corruption.

Corruption was a major problem in all security and armed forces, whose lower-ranked members were generally poorly paid and minimally trained. No information was publicly available on the number of cases involving police and military officials during the year, although the Public Ministry publicized several individual cases against police officers for soliciting bribes and other corrupt activities.

In February, a study by NGO Transparencia Venezuela registered complaints of corruption or mismanagement in 46 regional public companies. The complaints occurred in the sectors of gas distribution, transportation, agrifood, construction, mining, and commerce companies. The NGO stressed that regional companies were often used for political purposes and lacked accountability.

Transparencia Venezuela also reported that the GNB exercised control over

subsidized gasoline stations and often diverted the gasoline to sell it in the black market. According to the NGO, the regime allowed for GNB members and other regime-aligned individuals to carry this out with impunity.

The Orinoco Mining Arc was the center of illicit mining and gold smuggling. A September report by the FFM reported collusion between the regime and criminal groups operating in Orinoco, which allowed the groups to carry out crimes with impunity. Both armed groups and the regime reportedly threatened or attacked Indigenous leaders who refused to allow the smuggling of goods or access to land mining in their territories. According to a report by Transparencia Venezuela, only an estimated 25 percent of the gold extracted from the Orinoco Mining Arc reached the Central Bank of Venezuela, while approximately 30 percent ended up in the hands of criminal organizations that controlled the mines, and the rest went to corrupt regime-affiliated individuals.

## **Section 5. Government Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of independent domestic and international human rights groups generally operated, although with restrictions from the Maduro regime. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Regime officials were rarely cooperative or responsive to their requests. Domestic NGOs reported fear the regime would use the 2017 law against hate to justify widespread repression of their activities, jailing of the participants and organizers, and threats against family members. Some domestic NGOs reported threats against and harassment of their leaders, staff, and organizations, in addition to raids and detentions, but they were able to publish dozens of reports during the year. Some human rights activists reported the regime barred them from traveling abroad or that they feared not being able to return to the country if they traveled. NGOs played a significant role in informing citizens and the international community regarding alleged abuses and key human rights cases.

In May the purported 2021 national assembly continued discussions concerning the International Cooperation Law, which seeks to control the sources of international

financing received by NGOs. The law would require NGOs to register in the regime-controlled “Integrated System for the Registration of Non-Governmental Organizations.” Only NGOs on this registry would be recognized as legal entities and allowed to receive financial contributions from abroad. Moreover, the proposed law states that any international financial provision to registered NGOs must be carried out “in accordance with the Venezuelan constitution and guidelines established by the presidency,” giving Maduro direct control over the process. The proposed law also stipulates NGOs are required to provide the regime information regarding their activities and administration and use of their resources. This was the fourth attempt at passing this law, previously proposed in 2006, 2010, and 2015. The proposed law makes no distinction among the activities of the NGOs, affecting humanitarian and human rights NGOs equally. Although as of November the law had yet to pass, it created a climate of fear among NGOs and a hesitancy to seek international assistance.

The regime continued to implement stringent measures aimed at controlling and supervising the actions of human rights and humanitarian organizations, including additional oversight of the banking operations of NGOs, resulting in raids, arrest warrants, and attempted prosecutions against members of organizations such as Fundaredes, Movimiento Vinotinto, and Fundehullan.

**Retribution against Human Rights Defenders:** The NGO Center for Defenders and Justice recorded 291 attacks and security incidents against human rights defenders and civil society organizations, a 36 percent decrease compared with the same period in 2021 (see also section 1.a.). The NGO documented that stigmatization was the principal mechanism of attack, with 166 cases registered to discredit the work of human rights defenders and organizations.

In August, the domestic NGO CEPAZ (Center for Justice and Peace) documented 15 cases against civil society organizations and human rights defenders. In August, media and NGOs reported the CICPC opened an investigation into three human rights defenders and lawyers from the NGO Coalición para los Derechos Humanos y la Democracia – Alonso Medina Roa, Ana Leonor Acosta, and Kelvi Zambrano – motivated by the publication of their report on alleged cases of torture and cruel, inhuman, or degrading treatment in the country.



The OHCHR recorded 154 incidents related to restrictions on civic and democratic space in the country, including 46 criminal cases, 26 reports of threats and harassment, 11 acts of violence, and 71 cases of discrimination of human rights defenders, journalists, and other members of civil society, including five women, on social media or in public broadcasts.

In addition to the restrictions placed on fundraising, NGOs also faced regulatory limitations on their ability to carry out their work, including difficulties in registering or updating their information in the Autonomous Registry and Notary Service. NGOs reported their requests were denied for procedural reasons, such as lack of personnel available to process the requests.

In May the IACHR reported the regime used stigmatizing discourse and smear campaigns against the human rights organization PROVEA.

On September 20, two SEBIN officers attempted a warrantless entry of PROVEA headquarters in Caracas during preparations to host a press conference with relatives of six labor activists detained by the regime in early July. The officers were not allowed entry but remained outside the location for 30 minutes in an apparent attempt to intimidate the detainees' families. The Inter-American Commission on Human Rights denounced the incident and demanded a stop to harassment of human rights defenders and civil society.

**The United Nations or Other International Bodies:** The Maduro regime was generally hostile toward international human rights bodies and continued to refuse access to the IACHR, which last visited the country in 2002. In 2019, the regime and the OHCHR signed a memorandum of understanding that provided for the presence of two UN human rights officers in the country, and in October the UN Human Rights Council voted to extend the mandate of the OHCHR until 2022. In 2019, the UN Human Rights Council adopted a resolution to establish a one-year FFM to investigate “extrajudicial executions, enforced disappearances, arbitrary arrests, torture, and other cruel, inhumane, or degrading treatment committed in Venezuela since 2014.” In October, the FFM mandate was renewed.

The FFM worked out of Panama due to restrictions imposed by the Maduro regime that included lack of access to Venezuela. The FFM published three detailed

reports, the first in September 2020, the second in September 2021, and the third in September 2022. The first report identified specific incidents and patterns of violations and crimes as part of a “widespread and systematic course of conduct” that the FFM concluded “amounted to crimes against humanity.” The second report focused on the response of the justice system to human rights abuses, its lack of independence, and its role in investigating and prosecuting members of the opposition. The third report focused on the Maduro regime’s use of security agencies such as the DGCIM and SEBIN to carry out human rights abuses against opponents and human rights concerns in the Orinoco Mining Arc, particularly in Bolivar State. In November 2021, International Criminal Court (ICC) Prosecutor Karim Khan visited the country, culminating in the announcement of the opening of an investigation into crimes against humanity allegedly committed in Venezuela since 2014 and the signing of a memorandum of understanding with the Maduro regime. In March, Khan visited the country again and authorized the Office of the Prosecutor to establish an office for cooperation with Venezuelan authorities and facilitation of technical assistance, although the opening remained pending as of November. In April, Venezuela requested, under Article 18 of the Rome Statute, that the ICC prosecutor defer to the regime’s own investigations instead of carrying out its own. The prosecutor did not accept the request and in turn requested before the Pre-Trial Chamber on November 1 to resume the investigation due to a lack of complementarity, adding that Venezuela failed to demonstrate it had investigated or was investigating criminal acts that may constitute crimes against humanity.

**Government Human Rights Bodies:** The regime’s human rights ombudsman failed to advocate for citizen victims of human rights neutrally and objectively, especially in the most emblematic cases. Regime attorney general Saab announced that the Office of Human Rights was upgraded to a General Office of Human Rights Protection to give it higher rank, but the office showed limited public progress by year’s end.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women,

including spousal rape, making it punishable by a prison term of eight to 14 years. A man may legally avoid punishment by marrying (before he is sentenced) the person he raped. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence. Femicide has a punishment of 20 to 30 years in prison. The law was not consistently enforced.

The law criminalizes physical, sexual, and psychological violence in the home or community and at work, with increased penalties for intimate partner violence. The law punishes perpetrators of intimate partner violence with penalties for conviction ranging from six to 27 months in prison. The law requires police to report intimate partner violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of intimate partner. Police generally were reluctant to intervene to prevent intimate partner violence and were not properly trained to handle such cases. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence, and two-thirds of states had specialized courts.

In September 2021, regime attorney general Saab opened a service to receive complaints from the Caracas Metropolitan area of cases related to violence against women and children. No efforts were made during the year to expand gender-based violence services in other parts of the country, including rural and border areas. The Public Ministry's Women's Defense Department employed a team of lawyers, psychiatrists, and other experts who dealt exclusively with cases of femicide, gender-based violence, and other crimes against women. The law was rarely followed or enforced.

The Maduro regime did not publish statistics on gender-based violence. The OHCHR reported a lack of due diligence in investigations of gender-based violence cases. According to NGOs, government efforts to protect victims of gender-based violence were ineffective or nonexistent. Enforcement of laws and access to justice were limited, as victims of gender-based violence reported a lack of progress and inability to follow up on cases after filing reports.

Many advocates observed there was a lack of public awareness regarding resources

and support available to prevent and combat gender-based violence. There was also a lack of adequate protection for survivors of gender-based violence and sheltering facilities with minimum operating conditions. According to CEPAZ, there were no public shelters for survivors open as of 2019. In 2021, Maduro announced funding to repair and reopen the four public shelters that were once operational, but no information was available regarding their status. NGOs provided most support services to survivors of gender-based violence.

The NGO Utopix reported 151 femicides between January and August. Utopix noted there were no policies to prevent femicides and no public statistics or official records showing the results of femicide investigations or convictions.

The NGO Kape Kape, which focuses on Indigenous rights, reported 97 percent of the Indigenous women they interviewed were survivors of violence, and 39 percent of those interviewed did not know how to make a complaint to authorities.

**Sexual Harassment:** Sexual harassment is illegal and punishable by fines and a prison sentence of one to three years. Although common in the workplace according to media reports, sexual harassment cases were rarely reported. Several cases of harassment at the hands of security forces – both police and military – were reported during the year.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of the Maduro regime.

Women, children, and teenagers lacked the conditions and information to safely make decisions concerning their sexual and reproductive health and lacked access to services and contraceptive methods in a timely manner and in terms of quality. The country's mobility difficulties and cost of services aggravated the situation.

The regime restricted access to sexual and reproductive health services for sexual violence survivors, including emergency contraception for the clinical management of rape. The regime's economic mismanagement and neglect of the country's health-care infrastructure severely restricted access to resources for menstrual health and hygiene as well as to skilled health attendance during pregnancy and childbirth. An October study published by a coalition of women's rights NGOs reported one in four women never or only sometimes had access to menstrual pads.

In a study published in November, the NGO IPYS reported only 27 percent of women used contraceptives due to their high cost. When available, birth control pills cost almost 10 times the monthly minimum wage, and an intrauterine device cost 25 times the monthly minimum wage. A pack of condoms cost three times the monthly minimum wage. A 2020 study from the NGO Venezuelan Association for Alternative Sex Education (AVESA) found that fewer than 50 percent of women of reproductive age had their need for family planning satisfied with modern methods, and that nine of 10 women living in low-income households had not planned their pregnancy.

According to NGO contributions for the third cycle of the Universal Periodical Review (UPR), during the last three years, access to health services presented alarming setbacks. Women, girls, and adolescents had no assurance of access to adequate sexual and reproductive health services.

Pregnant women faced undignified or inadequate conditions for childbirth, leading to high rates of maternal and newborn deaths, most of which were preventable. The Maduro regime claimed in its report to the UN Women's Convention for the Elimination of All Forms of Discrimination against Women that maternal mortality had declined, which experts doubted. There were no official statistics available since 2017, but according to the Society of Obstetrics and Gynecology of Venezuela, the maternal death rate in 2019 was 112 per 100,000 live births, with postpartum hemorrhages, sepsis, and pregnancy-induced hypertension cited as the leading causes of maternal mortality. Doctors stated these were "predictable and treatable" conditions but were often fatal due to hospitals' lack of adequate beds, medical resources, medicine, and the increase in migration of doctors and specialists. An increasing number of births took place at home due to faltering medical services.

The IACHR found that many young women who were pregnant or had young children migrated to other countries to gain access to prenatal care and health and reproductive services. The IACHR also reported that women seeking neonatal or obstetric care had to provide their own surgical and personal protective equipment. Pregnant women frequently did not receive prenatal care or take prenatal supplements containing iron or folic acid, which are crucial for a healthy pregnancy and preventing developmental problems and malnutrition. According to

AVESA, 75 percent of pregnant women who required antihypertensive treatment could not afford it due to its high cost. In addition, the regime did not ensure its supply. The NGO reported 48 percent of pregnant women could not access the nutritional supplements they needed.

In May the UN Population Fund revealed teenage pregnancy continued to be a major problem. According to the latest available data, for adolescents ages 15-19, the pregnancy rate was 97.7 per 1,000.

**Discrimination:** Women enjoy the same legal status and rights as men under the constitution. Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women regarding pay or working conditions. Nevertheless, disparities in employment persisted, and the regime did not enforce the law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for a maximum of three years' imprisonment for acts of racial discrimination. As mandated by law, signage existed outside commercial and recreational establishments announcing the prohibition against acts of racial discrimination. Beyond signage, little was done to enforce laws against discrimination or prosecute cases of discrimination.

## **Indigenous Peoples**

The law prohibits discrimination based on ethnic origin. The constitution provides for three seats in the National Assembly for deputies of Indigenous origin to “protect Indigenous communities and their progressive incorporation into the life of the nation.” In 2020, the CNE eliminated the direct election of Indigenous representatives, instead creating a system of delegates to choose the representatives. The rest of the country continued to vote directly.

NGOs and the press reported local political authorities seldom took into account Indigenous interests when making decisions affecting Indigenous lands, cultures, traditions, or allocation of natural resources. Indigenous groups continued to call

for faster implementation of the demarcation process. Indigenous persons faced discrimination in employment and occupation.

Indigenous groups and NGOs expressed concern regarding mining in the expanding Orinoco Mining Arc, an area spanning the states of Bolivar, Amazonas, and Delta Amacuro and a site of extractive economic activities and mineral processing. Since its establishment in 2016, informal and illegal mining extraction increased, especially of gold, coltan, diamonds, and uranium. In 2021, an NGO reported nonstate armed groups operating near Delta Amacuro in Bolivar State led members of the Indigenous Warao community into Guyana to work long shifts in illegal mines with no medical care and under precarious conditions. Human traffickers recruited Warao women to work as cooks in the mines and later subjected them to sex trafficking in Guyana.

Indigenous communities reported the Maduro regime developed and expanded mining zones without consulting those native to the region, resulting in a rise in environmental degradation, water contamination with mercury and cyanide, and malaria.

In February the OHCHR reported Samena Indigenous community members were partially internally displaced due to violence regarding the control of mines in their territory.

Illegal armed groups, including the ELN and FARC-EP, had a considerable presence in the area, increasing the level of violence and insecurity in the communities. The Venezuelan-Colombian Project Observatory for the Defense of Life (ODEVIDA) reported members of the military and police forces were often involved in the violence by act or omission. In addition to the presence of the ELN and FARC-EP, mines were often controlled by criminal gangs composed of illegal armed Brazilian miners.

In its latest report, the FFM received information implicating security forces and armed criminal groups in killings; kidnappings; torture or cruel, inhuman, and degrading treatment; and sexual and gender-based violence against residents and workers of the mining areas in Bolivar State. The FFM also received information that the ELN had an intermittent presence in various mining areas in Bolivar State

since at least 2018. Armed groups and the regime both reportedly threatened or attacked Indigenous leaders who refused to allow the smuggling of goods or access to mining in their territories. The regime was also found to be involved in sexual and gender-based violence, particularly against women and girls in Bolívar State. Criminal mining gangs operated makeshift brothels in almost all the mining areas in Bolívar and exploited women and girls, some as young as 11, in sex trafficking, according to the report. Witnesses reported regime security forces often visited these brothels.

There was also an unprecedented influx of human trafficking, including commercial sexual exploitation and forced labor, and other illegal activities, in addition to disease and drugs, in the mining areas, putting Indigenous communities at risk.

Indigenous groups regularly reported violent conflicts with miners regarding land rights. There were reports of harassment, attacks, and forced evictions against Indigenous persons living in areas included as part of Maduro regime mining concessions. Indigenous persons reported a lack of consultation by the regime on the social and environmental impact of mining activity in Indigenous and protected areas.

PROVEA reported the migration of Indigenous communities from Amazonas State to Colombia had increased in the past five years due to the worsening of the political-economic crisis and the increase in mining activity and invasion of Indigenous territories. The NGO expressed concern regarding the expulsion of Indigenous persons from their territories and warned that populations such as the Pemón, Warao, Jivi, Wayúu, and Añu Indigenous groups were especially vulnerable.

In January, media reported at least 150 Indigenous Sikuaní arrived in Puerto Carreño in eastern Colombia, after fleeing fighting between FARC-EP and ELN forces in Apure. Mass displacements were common in the border area, where irregular armed groups often fought for control of territory.

The NGO Fundaredes reported that since 2019 almost 13,000 Indigenous persons (Jivis, Uwottüja, Yeral, Yekuana, Sanema, and Yanomami) in Amazonas had



migrated to border towns in Colombia and Brazil seeking better living conditions or escaping threats.

On February 3, FANB officers shot three members of the Warao Indigenous community, including two children, in Puerto Ordaz, Bolivar State. The shooting occurred as the FANB attempted to confiscate a boat the Warao used for collecting scrap metal in the Port of Palua. Members of the Warao community condemned the attack, claiming this was not the first time the FANB had attempted to confiscate their belongings.

On July 19, three members of the Jivi Indigenous community were killed in the Guarataro parish of the Sucre municipality in Bolivar State. Relatives believed the action was carried out by FARC-EP members that operated in the area.

## **Children**

**Birth Registration:** Citizenship is derived by birth within the country's territory and from one's parents. While not discriminatory, birth registration was difficult to obtain due to a shortage of paper necessary to print birth certificates. NGO CECODAP reported at least 32 cases of individuals requesting support due to difficulties in obtaining birth certificates or identity cards between April 2021 and March. Thousands of children reportedly left the country without a birth certificate amid the country's migration crisis.

**Child Abuse:** The Maduro regime made efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate. According to NGOs, in many cases children were returned to their homes without proper reintegration or follow-up measures. An investigation by the children's rights NGO Cecodap pointed to the lack of information from regime institutions regarding the violation of children and adolescents' rights, noting that only 24 percent of reported information came from official sources.

During 2021, Cecodap reported that 33 percent of the cases of violence against children they received were linked to sexual abuse and mostly affected girls and adolescent girls.

Regime attorney general Saab reported the regime's public ministry registered 1,024 cases of child sexual abuse between January to October, in which 1,426 individuals were charged and 752 sentenced for their crime.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18 for women and men, but with parental consent the minimum age is 16.

**Sexual Exploitation of Children:** By law, conviction for having sexual relations with a child younger than 13, with an “especially vulnerable” person, or with a child younger than 16 when the perpetrator is a relative or guardian is punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits the forced commercial sexual exploitation and the corruption of minors. Penalties range from 15 to 20 years' imprisonment in cases of forced labor and some forms of sex trafficking of women and girls. The law does not criminalize all forms of child sex trafficking because it requires demonstration of force, fraud, or coercion as essential elements of the crime. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. The government generally enforced the law.

In June the *Washington Post* reported that some priests convicted of sexual abuse of children and adolescents did not complete their full sentences and often returned to churches to continue working as priests.

**Displaced Children:** Children's rights advocates and media reported an increase in the number of abandoned children living on the street. State-run facilities, already filled to capacity, were unable to support the influx. In 2020, Cecodap estimated as many as one million minors were left behind with family members when their parents fled the country's economic crisis, many of whom also struggled with the country's economic downturn. These children resided in limbo, since their parents who left were unable legally to transfer guardianship to a third party. Private institutions denounced the Maduro regime's refusal to provide subsidized food benefits to support the country's population.

NGOs noted young girls constituted almost one-half of the children living on the streets. This shift posed particular challenges for shelters, which historically held predominantly male populations. With institutions filled to capacity, hundreds of

children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

**Institutionalized Children:** The institutions and social missions created for the protection of children are not part of the state protection system because they are not recognized by the law.

## **Antisemitism**

The Confederation of Israelite Associations in Venezuela (CAIV) estimated there were 10,000 Jews in the country. Jewish community leaders expressed concern regarding antisemitic statements by regime-aligned actors. They stated regime-owned or -associated media and supporters of the Maduro regime promoted Zionist conspiracy theories.

On August 22, CAIV condemned declarations made by Esteban Trapiello, president of regime-linked regional television station Telearagua and the Aragueña Radio Station, in which he suggested the Holocaust may not have happened, praised Adolf Hitler, and said he would like to see Hitler’s “work completed.”

## **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The armed forces criminalize same-sex relations in the military justice code, punishing convicted members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community with imprisonment from one to three years and fines.

**Violence against LGBTQI+ Persons:** NGOs reported incidents of discriminatory violence against LGBTQI+ persons. Reported incidents were most prevalent against transgender individuals. Leading advocates noted law enforcement

authorities often did not properly investigate to determine whether crimes were motivated by hate or gender discrimination.

In May the Public Ministry created a specialized office to investigate crimes related to human rights violations against the LGBTQI+ population.

The OHCHR received 14 complaints of hate crimes against LGBTQI+ persons submitted by civil society to authorities between May 2021 and April 2022.

The Venezuelan Observatory of LGBTQI+ Violence documented 37 acts of aggression against members of the LGBTQI+ community between April and September, including physical violence, hate speech, and discrimination in public and private places. According to the NGO, 30 percent of the acts of aggression were by members of the regime.

NGOs reported an increased incidence in human trafficking of LGBTQI+ individuals and noted transgender persons were particularly vulnerable to trafficking networks.

**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sex but does not specifically address sexual orientation. There are no legal instruments that allow same-sex marriage, domestic partnership, or the adoption of children for same-sex couples. The LGBTQI+ community continued to demand the passage of a marriage equality law, which had been in procedural delay for seven years.

On July 14, LGBTQI+ rights organizations protested statements from purported 2021 national assembly deputy Franklyn Duarte in which he suggested the regime should apply the “Qatar Law,” a reference to laws in Qatar that punish persons convicted of homosexuality with imprisonment.

The Maduro regime did not provide statistics divided by gender or sexual orientation, so the needs of the LGBTQI+ population were often not considered when generating public policies.

Transgender and intersex persons were not provided adequate medical services, including hormone therapy and psychological support. Lesbian women reported

discrimination in public health services, including gynecology and prenatal and postnatal services.

Local police and private security forces allegedly prevented LGBTQI+ persons from entering malls, public parks, and recreational areas.

**Availability of Legal Gender Recognition:** NGOs reported the Maduro regime systematically denied recognition to transgender, intersex, and nonbinary persons by refusing to issue them identity documents in their preferred gender, which are required for access to education, employment, housing, health care, and other services. These discriminatory actions often led transgender and intersex persons to become victims of human trafficking. On November 29 the CNE announced it would comply with Article 146 of the Civil Registry Law that permits name changes for reasons of gender identity, a right established in 2009 but that was not respected in practice. The announcement, however, did not include the ability for individuals to change their gender on identity documents.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** In September, the board of directors of the Federation of Psychologists of Venezuela issued a statement condemning the practice of so-called conversion therapies to “cure” homosexuality and any other expression of sexual orientation or gender identity or expression diversity. The federation categorically rejected any discriminatory act against any person and condemned the offer and practices of so-called conversion therapies. According to LGBTQI+ rights NGOs, some evangelical churches and some psychologists offered conversion therapy.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions against freedom of expression, association, or peaceful association related to LGBTQI+ matter or events.

**Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, but no efforts were made to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access,

but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Many persons with disabilities expressed concern that public transportation workers often were unwilling to transport them, which forced them to take taxis, which were often unaffordable and frequently not equipped to support patrons with disabilities. NGOs reported hospitals lacked infrastructure to accommodate persons with mobility problems and staff to communicate with deaf persons. Parents of children with disabilities also complained they were forced to wait in long lines for services rather than receive preference as afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations. Persons with disabilities regularly faced discrimination in employment and occupation.

The National Council for Persons with Disabilities, an agency within the regime's office of the presidency, lacked resources to provide adequate attention. Its webpage was not accessible, and there was no other official institution that provided information for persons with disabilities. The NGO Deaf Confederation of Venezuela (CONSORVEN) denounced the Maduro regime's continued deficiencies in program development and support services for persons with disabilities.

Some children with disabilities attended separate schools, while others were in mainstream schools with peers without disabilities. Media reported schools for children with disabilities suffered from underfunding, decaying infrastructure, and little consideration for the specific needs of individual disabilities. Schools lacked adequate materials and personnel, such as education materials in braille, sign language interpreters, and guide or interpreters for deaf or blind persons. NGOs reported there were no state programs to support the elimination of communication barriers or to increase sign language interpretation services.

Parents of children with disabilities reported significant difficulties in school enrollment, which prevented their children from receiving formal education. A

2021 CONSORVEN report indicated transportation was a significant difficulty for 37 percent of children and adolescents with disabilities, which impacted their school attendance and medical care.

## **Other Societal Violence or Discrimination**

The law provides for the equal rights of persons with HIV or AIDS and their families. Nevertheless, leading advocates alleged discrimination occurred against such persons. The NGO Citizen Action Against AIDS reported there was constant discrimination in public hospitals and refusal of medical attention against persons with HIV and mistreatment of pregnant women with HIV at the time of delivery.

Data from the Joint UN Fund for AIDS (UNAIDS) revealed there were 120,000 persons with HIV; however, the national registry only had 70,000 registered, leaving a very large number of persons without treatment. UNAIDS reported coverage of antiretroviral therapy was inconsistent, reaching only an estimated 10 percent of the population.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides that all private and public sector workers (except members of the armed forces) have the right to form and join unions of their choice, and it provides for collective bargaining and the right to strike. The law, however, places several restrictions on these rights, and the Maduro regime deployed a variety of mechanisms to undercut the rights of independent workers and unions. Minimum membership requirements for unions differed based on the type of union. Forming a company union requires a minimum of 20 workers; forming a professional, industrial, or sectoral union in one jurisdiction requires 40 workers in the same field; and forming a regional or national union requires 150 workers. Ten persons may form an employee association, a parallel type of representation the Maduro regime endorsed and openly supported.

The law prohibits “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law requires all unions to provide the Ministry of Labor a membership roster that includes the full name, home address,

telephone number, and national identification number for each union member. The ministry reviews the registration and determines whether the union fulfilled all requirements. Unions must submit their registration applications by December 31 of the year the union forms; if not received by the ministry or if the ministry considers the registration unsatisfactory, the union is denied legal recognition. The law also requires the presence of labor inspectors to witness and legitimize unions' decisions before the Ministry of Labor. The International Labor Organization (ILO) raised concerns regarding the ministry's refusal to register trade union organizations.

By law employers may negotiate a collective contract only with unions that represent most of their workers. Minority organizations may not jointly negotiate in cases where no union represents an absolute majority. The law also restricts unions' ability to administer their activities. For example, the National Electoral Council (CNE) has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. Organized labor activists continued to report the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association. They alleged the ministry removed member names from the rosters for political purposes, particularly if members were not registered voters on the CNE's rolls. Labor leaders also criticized the laborious and costly administrative process of requesting CNE approval for elections and subsequent delays in the CNE's recognition of such union processes. In addition, there reportedly was a high turnover of ministry contractors, resulting in a lack of timely follow-through on union processes. Labor unions in both the private and public sectors noted long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions' ability to bargain collectively. The ILO repeatedly found cases of interference by the CNE in trade union elections and since 1999 had called for delinking the CNE from the union election process.

The law recognizes the right of all public and private sector workers to strike,



subject to conditions established by law. Workers participating in legal strikes receive immunity from prosecution, and their time in service may not be reduced by the time engaged in a strike, but this was not observed. The law requires that employers reincorporate striking workers and provides for prison terms sufficient to deter violations for employers who fail to do so. This law was never enforced. Replacement workers are not permitted during legal strikes. The law prohibits striking workers from paralyzing the production or provision of essential public goods and services, but it defines “essential services” more broadly than ILO standards. The ILO called for the law to be amended to exclude from the definition of “essential services” activities “that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes.”

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike “puts in immediate danger the lives or security of all or part of the population.” Other legal provisions establish criminal penalties for exercising the right to strike in certain circumstances. For example, anyone who “organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic (i.e., mining) enterprises, or the socioeconomic life of the country” could be punished with five to 10 years in prison. The law also provides for prison terms sufficient to deter violations by those who restrict the distribution of goods and “those...who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods.”

The code of military justice establishes arrest sentences between six months and one year for verbal abuse against a sentry, a public official, or the armed forces. This type of criminal offense was used against workers unconstitutionally subjected to military jurisdiction.

The Maduro regime restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. Penalties for violations of laws on freedom of association and collective bargaining were not commensurate with those for other laws involving denial of civil rights, such as

discrimination. Penalties were rarely applied against violators.

The ILO raised concerns regarding violence against trade union members and intimidation of the Associations of Commerce and Production of Venezuela by the Maduro regime. In 2018, ILO member countries voted to establish an ILO Commission of Inquiry for Venezuela to investigate long-standing complaints first filed in 2015 of labor rights violations inconsistent with the country's obligations under ILO Conventions, including on freedom of association and protection of the right to organize. In 2019, the commission submitted its report to the ILO director general, noting that Venezuela was not in compliance with international conventions. The report also called for "the immediate release of any employer or trade unionist who may be in prison as a result of carrying out the legitimate activities of their workers' or employers' organization."

In April and September, ILO representatives participated in a dialogue in Caracas among the regime, employers, and union representatives as part of the country's long-standing case before the ILO. The dialogue's purpose was to discuss the country's advancements in recommendations, including those on the right to organize. The dialogue ended with few tangible agreements. Non-regime-aligned unions reported being excluded from participation in the September ILO-led dialogue.

The Maduro regime continued to support "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. The regime excluded some independent union federations, including the Confederation of Venezuelan Workers, General Confederation of Venezuelan Workers, Confederation of Autonomous Unions of Venezuela, and National Union of Workers, from certain negotiations including the dialogue with the ILO.

The Maduro regime continued to refuse to adjudicate or otherwise resolve the cases of thousands of Petroleos de Venezuela S.A. (PDVSA) employees who were dismissed during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers.

The regime accused opponents who planned strikes of coup plotting or other

destabilizing activities and threatened legal action under national security laws to intimidate them into abandoning their plans. Some companies, especially in the public sector, had multiple unions with varying degrees of allegiance to the ruling party's version of the "socialist revolution," which could trigger interunion conflict and strife. The crimes of association to commit a crime, instigation to commit a crime, obstruction of the public way, violation of the security zone, crimes against freedom of work, and terrorism were frequently used against union leaders who demanded labor rights.

ODEVIDA registered 82 cases of violence against labor rights activists and union leaders between 2015 and 2020, which included 44 killings, 20 arbitrary detentions, and one case of an extrajudicial execution allegedly involving the Scientific, Criminal and Investigative Corps (CICPC). The OHCHR documented that trade unionists continued to face criminal charges, including criminal association and incitement of hate, in connection with their work. At least two trade unionists were in detention awaiting trial and six were granted alternative measures to detention, including two during the April ILO.

In July, Emilio Negrin, a union leader of the Confederation of Autonomous Trade Unions who participated in the April tripartite dialogue facilitated by the ILO, was arrested along with six others – Gabriel Blanco, Alcides Bracho, Alonso Melendez, Nestor Melendez, Nestor Astudillo, and Reynaldo Cortes – who belonged to the political party Bandera Roja and human rights organizations. The men were accused of criminal association and conspiracy. On September 26, a court on terrorism confirmed the men would be tried on the following charges: assaulting a military enlistment in Merida State armed with 120 rifles; kidnapping the parents of Tareck El Aissami, who the regime styled as oil minister; and sabotage against Nicolas Maduro. Media reported the arrests were motivated by the men's roles in the protests led by pensioners, unions, and retirees in support of better wages, pensions, and labor conditions.

On August 2, union leader Douglas Gonzalez, who worked for Industria Venezolana de Aluminio (Venalum), was arrested in Anzoategui State by security officials when he was traveling to Caracas to participate in labor protests. He remained in detention as of November.

## **b. Prohibition of Forced or Compulsory Labor**

The law does not criminalize all forms of forced or compulsory labor. The law prohibits some forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law on organized crime prohibits human trafficking by organized crime groups. It prescribes penalties designed to deter human trafficking of adults carried out by a member of a criminal group of three or more individuals. The law, however, fails to prohibit trafficking by an individual not affiliated with such a group. Prosecutors may employ other statutes to prosecute such individuals. The law increases penalties for child trafficking with the purpose of forced labor. There was no comprehensive information available regarding the enforcement of the law. The labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS) reported public-sector worker agreements included provisions requiring service in the armed forces' reserves. NGOs noted forced child labor in domestic service within the country increased in 2021 (see section 7.c.).

Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. According to FADESS, Cubans worked in the Maduro regime's social programs, such as the Mission Inside the Barrio, in exchange for the regime's provision of oil resources to the Cuban government. FADESS noted Cubans worked in the Ministries of Education, Registrar, Notary, Telecommunications, and Security. FADESS also cited that the G-2 Cuban security unit was present in the armed forces and in state enterprises and routinely surveilled Cuban medical workers sent to Venezuela. Observers noted indications the Cuban government may have forced some Cubans to participate in its government-sponsored medical missions. Some Cuban medical personnel who participated in the social program Mission Inside the Barrio described indicators of forced labor, including underpayment of wages, mandatory long hours, limitations on movement and casual contact with Venezuelans, the use of "minders" to conduct surveillance of participants outside of work, forced political indoctrination, and threats of retaliatory actions against workers and their families if they left the program or did not return to Cuba as directed by government supervisors.

On May 30, media reported at least 17 Cuban doctors were detained in Tachira

State on their way to Colombia after abandoning their medical mission earlier in the month. Media reported that in retaliation, authorities confiscated the passports of more than 20,000 other Cuban doctors to prevent them from escaping and increased surveillance against doctors and health professionals. The Cuban government acknowledged that its agents withheld the passports of Cuban workers in the country. Authorities did not investigate allegations of forced labor in Cuba's overseas labor export program.

Illegal mining operations existed in some of the country's most remote areas, including Bolivar State, where armed groups forcibly recruited youth to join armed criminal groups, forced children to work in gold mines under dangerous conditions, and exploited girls in sex trafficking.

The Human Rights Center of the Catholic University Andres Bello (CDH-UCAB) also documented forced recruitment in the Orinoco Mining Arc, where irregular armed groups-controlled mining activity through corruption and extortion networks that involved the military. These groups recruited men and children using threats of violence, death, and debt manipulation to gain control over the zone. A CDH-UCAB investigation published in February documented 1,010 cases of human trafficking in Indigenous communities in Bolivar State. Indigenous communities in Bolivar were involved in illegal fuel extraction, collection of scrap and metals, mining, involuntary domestic servitude, and sexual exploitation, including of children. Illegal armed groups such as the ELN and FARC-EP were often the perpetrators in these illicit economies.

CHD-UCAB estimated more than 1,000 persons from Indigenous communities, between ages 14 and 34, were subjected to forced labor. For men, this was mostly in the form of work in illegal mines. For women, this was in the form of sex trafficking, early marriage, or exploitation as washerwomen and cooks. According to a study carried out by the newspaper *Correo del Caroni*, in September 2021 there were at least 90 Waraos (51 adults and 39 children) and 78 Jivis, (45 adults and 33 children) who were forced to work between nine and 12 hours a day collecting plastic and scraps.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. The law sets the minimum employment age at 14. Children younger than age 14 may work only if granted special permission by the National Institute for Minors or the Ministry of Labor. Such permission may not be granted to minors who are younger than the legal age for work in hazardous occupations that risk their life or health or could damage their intellectual or moral development. According to the ILO, the Maduro regime had not made publicly available the list of specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by law, and they may work no more than six hours per day or 30 hours per week. Minors younger than age 18 may not work outside the normal workday.

Anyone employing children younger than eight is subject to time in prison. Employers must notify authorities if they hire a child as a domestic worker. The Maduro regime did not effectively enforce the law. High rates of student dropouts pushed children into labor situations.

In 2020, the international NGO World Vision stated that during the pandemic, child labor increased by 20 percent compared with previous years, and that, within that figure, 28 percent of children participated in begging and at least 19 percent sold products on the streets.

A March report by Cecodap noted urban criminal bands actively recruited children and adolescents in precarious socioeconomic situations. Cecodap found food insecurity, school dropouts, and domestic violence were common motivations for children and adolescents to become involved with criminal organizations. The study concluded the recruitment of children and adolescents constituted a contemporary form of slavery, specifically human trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits employment discrimination based on age, race, sex,

social condition, creed, marital status, union affiliation, political views, nationality, disability, or any condition that could be used to lessen the principle of equality before the law. No law specifically prohibits employment discrimination based on national origin, sexual orientation, gender identity, or HIV or AIDS status. Media and NGOs, such as PROVEA and the CDH-UCAB, reported the law was not effectively enforced. Penalties were not commensurate to those related to civil rights infractions, such as election interference, and penalties were rarely applied against violators.

According to the Ministry of Labor and the Confederation of Workers, regulations protecting women's labor rights were enforced in the formal sector, although women earned less than men for equivalent work (see section 6).

All employers, whether public or private, are required by law to have persons with disabilities represent at least 5 percent of their employees, with accommodation for their condition, abilities, skills, and specialties. There was no information available regarding the number of persons registered with regime health programs who were fully employed. The law was generally not followed nor enforced (see section 6).

NGOs reported that public-sector employees faced discrimination and harassment for their political beliefs or activities. In 2021, the ILO expressed deep concern regarding the large number of reported instances of acts of discrimination at work, harassment, and dismissal of employees on the basis of political opinion, as inconsistent with the country's obligations under ILO conventions on discrimination. In July, the NGO Fordisi, which worked with teachers' unions, reported that 2,153 teachers in Carabobo, 700 in Guarico, 141 in Portuguesa, and six in Caracas stopped receiving a salary, a move activists said came in retaliation for speaking out against the regime's labor practices.

Indigenous persons faced discrimination in employment and occupation (see section 6). They were more likely than non-Indigenous persons to work without legal protections in the informal sections. A February report by CDH-UCAB regarding Indigenous communities in Bolivar State found that Indigenous Warao earned up to 50 percent less than their non-Indigenous peers.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage remained below the poverty line. Minimum wage and other benefits are established through decrees. The most recent salary increase was published on March 15. It set the new minimum wage at 130 bolivares a month, which at that time was equivalent to 30 dollars, according to the central bank rate. The minimum monthly amount for pensions for retirees and pensioners in the public sector and for pensions paid by the Venezuelan Institute of Social Security was also set at 130 bolivares.

Labor experts noted the unilateral nature of the most recent regime decree to raise the minimum wage contravened ILO Convention 26, which requires the government to consult with employers and workers prior to enacting wage increases. In 2021, the ILO deplored the regime's failure to fulfil its obligations under ILO conventions to consult with social partners in the minimum wage setting process. Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the decree did not include wage adjustments to keep up with hyperinflation and thus remained insufficient to afford the basic food basket. The decree also violated the law by nullifying previously signed collective bargaining agreements, including wage tables that scaled salaries to account for seniority and merit pay.

From March to September, teachers, university employees, health-care professionals, retirees, and pensioners from the public sector organized nationwide protests to demand full payment of their salaries and bonuses and request the repeal of a National Budget Office (ONAPRE) directive that limited workers' benefits and violated the freedom of association of workers. The NGO Observatorio de Conflicto recorded 296 protests against the ONAPRE directive in August alone. The erosion of salaries led to the desertion of teachers, who were often forced to take on other jobs or additional jobs to supplement their incomes. According to the Venezuelan Federation of Teachers, 50 percent of 370,000 teachers had left teaching since 2017.

The law sets the workweek at 40 hours (35 hours for a night shift). The law establishes separate limits for "shift workers," who may not work more than an average of 42 hours per week during an eight-week period, with overtime capped



at 100 hours annually. Managers are prohibited from obligating employees to work additional time, and workers have the right to two consecutive days off each week. Overtime is paid at a 50 percent surcharge if a labor inspector approves the overtime in advance and at a 100 percent surcharge if an inspector does not give advance permission. The law establishes that after completing one year with an employer, a worker has a right to 15 days of paid vacation annually. A worker has the right to an additional day for every additional year of service, for a maximum of 15 additional days.

Workers organizations reported delays in the government's electronic wage payment system made it difficult for workers to withdraw the full value of their wages in cash.

An ILO Commission of Inquiry reported in 2019 that the regime had repeatedly failed to comply with the country's obligations under the ILO convention regarding minimum wages and labor standards.

**Occupational Safety and Health:** The law provides for secure, hygienic, and adequate working conditions. Workplaces must maintain “protection for the health and life of the workers against all dangerous working conditions.” The law obligates employers to pay workers specified amounts for workplace injuries or occupational illnesses, ranging from two times the daily salary for missed workdays to several years' salary for permanent injuries. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Occupational safety and health (OSH) standards were not appropriate for the main industries in the country, and workers were not able to remove themselves from situations that endangered health or safety without jeopardy to their employment.

Health workers were severely exposed to COVID-19 due to the lack of personal protective equipment. Medical professionals lacked vaccines and biosafety equipment for individual protection, worked excessively long hours, and assumed the daily risk of infecting their family members. The Maduro regime repressed medical professionals who spoke of the realities they faced in their work. Nurses' unions stated that nearly 70 percent of nurses left their positions due to precarious work conditions. Media reported the continued deterioration of oil refineries under

the regime-owned company PDVSA due to lack of maintenance of facilities, which led to accidents that contaminated the environment and affected workers' safety. Unions and opposition leaders frequently reported these accidents, but the regime usually linked them to "sabotage" or "criminal actions." On January 11, the explosion of a fuel pipeline in an oil zone in Barcelona, Anzoategui State, left three workers injured.

Conditions in the mining sector were especially perilous. NGOs and media reported hazardous conditions in mining areas, many of which operated illegally and exposed miners to injury, disease, and mercury poisoning. The OHCHR documented high levels of violence and human rights violations linked to the control of and dispute regarding mines by organized criminal and armed groups. In some cases, security forces were reportedly involved in some of the violent incidents. NGOs reported the use of beatings, mutilation, disappearances, and killings by armed groups to enforce control in mining areas.

**Wage, Hour, and OSH Enforcement:** The law covers all workers, including temporary, occasional, and domestic workers. There was reportedly some enforcement by the Ministry of Labor of minimum wage rates and hours of work provisions in the formal sector. There are various administrative agencies tasked with verifying that workplaces comply with OSH regulations, including the National Institute for Prevention, Health, and Occupational Safety; Venezuelan Institute of Social Security; National Institute for Training and Recreation of Workers; and National Institute for Training and Socialist Education.

There was no publicly available information regarding the number of inspectors or the frequency of inspections to implement health and safety, minimum wage, or hours of work provisions. Official statistics regarding workplace deaths and injuries were not publicly available. OSH law was not effectively enforced. Penalties for wage, hour, and OSH law violations were less than those for similar crimes, such as negligence. Penalties were rarely applied against violators.

**Informal Sector:** An estimated 40 percent of the population worked in the informal sector, where labor law and protections generally were not enforced, and labor violations occurred frequently. The regime made little effort to provide social protections to part-time workers or workers in the informal sector.